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INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION

MELBOURNE

TUESDAY, 9 NOVEMBER 2021

Witness Appearing: Mr Adem Somyurek

BEFORE THE HONOURABLE ROBERT REDLICH AM, QC

Counsel Assisting: Mr Christopher Carr SC

OPERATION WATTS INVESTIGATION

PUBLIC EXAMINATIONS PURSUANT TO PART 6 OF THE INDEPENDENT BROAD-BASED ANTI-CORRUPTION COMMISSION ACT 2011

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UPON RESUMING AT 2.18 PM: 02:18:07PM

<ADEM KUBILAY SOMYUREK, recalled: 02:18:07PM

COMMISSIONER: Yes, are you ready to proceed, Mr Somyurek? 02:18:17PM

Yes. Mr Carr, if you've finished the last subject, would 02:18:22PM it be an appropriate time to ask Mr Gullaci if you have 02:18:27PM any questions? 02:18:32PM

MR GULLACI: Thank you, Commissioner. I just have a few on 02:18:35PM that recording or the recordings from 11 March, if I may. 02:18:37PM

COMMISSIONER: Yes. 02:18:41PM

<EXAMINED BY MR GULLACI, continued: 02:18:41PM

MR GULLACI: Mr Somyurek you'll recall just before lunch, in 02:18:45PM the hour or so before lunch, you were played recordings 02:18:49PM from 11 March. I think they were clip 20-1 and clip 20-2 02:18:53PM that involved discussions between you and Lou. Do you 02:18:59PM recall those being played and reading the transcript? 02:19:03PM

MR SOMYUREK: Yes, I do. 02:19:05PM

MR GULLACI: Okay. Let's be brutally clear about this, 02:19:06PM Mr Somyurek. Those calls, did they relate to branch 02:19:11PM stacking? 02:19:15PM

MR SOMYUREK: Yes, they did. 02:19:16PM

MR GULLACI: Okay. And was that in the sense of turning up 02:19:17PM non-genuine members to join the ALP or at least an attempt 02:19:22PM to do so? 02:19:25PM

MR SOMYUREK: That is correct. 02:19:26PM

MR GULLACI: I just want to take you very briefly through some 02:19:26PM context for that. You gave some evidence yesterday and 02:19:31PM I don't want to repeat it, but I just want to bring it to 02:19:36PM your attention, that there was this peace deal in 2001 02:19:39PM between you and Mr Andrews to cease branch stacking in the 02:19:42PM

south-east; is that correct? 02:19:45PM

MR SOMYUREK: That's correct. 02:19:49PM

MR GULLACI: Now, in the period 2001 to 2019, late 2019, based on what you understood to be the case, was there a cessation of turning up non-genuine members in the south-east? 02:19:51PM 02:19:57PM 02:20:01PM 02:20:06PM

MR SOMYUREK: Well, until February 2019 there was, and that came crashing down 24 December 2019, yes. 02:20:09PM 02:20:12PM

MR GULLACI: But just so that we're clear, in that same period 2001 to 2019 were you yourself involved for paying for other memberships? 02:20:20PM 02:20:23PM 02:20:28PM

MR SOMYUREK: Paying for renewals only, along with Mr Byrne and Mr Donnellan. 02:20:31PM 02:20:35PM

MR GULLACI: So that being the background to this, what I really want to ask you then is your conduct as exhibited by that call on 11th - or the recording on 11 March where you're discussing branch stacking with Lou, you've said that you 'lost all perspective'. Why were you engaging in that conduct at that time? 02:20:40PM 02:20:42PM 02:20:47PM 02:20:52PM 02:20:56PM 02:21:00PM

MR SOMYUREK: Well, the Socialist Left had - - - 02:21:01PM

COMMISSIONER: Just a moment, Mr Somyurek. Surely, Mr Gullaci, Mr Somyurek's answered that quite extensively already with Counsel Assisting and I'm just anxious to confine you to matters that haven't been covered by Counsel Assisting. 02:21:07PM 02:21:12PM 02:21:16PM 02:21:20PM

MR GULLACI: Commissioner, I can tell you exactly where I'm going. I don't have the benefit of this morning's transcript, but the note that I made was - and this is the direct position where I'm going and it's really the only topic I want to address. Commissioner, you asked 02:21:24PM 02:21:27PM 02:21:30PM 02:21:34PM 02:21:39PM

1 Mr Somyurek when he started to talk about the war that had 02:21:42PM
2 erupted, you asked him whether he had any evidence that 02:21:44PM
3 supported his assertion that what he was doing was 02:21:47PM
4 responding to the Socialist Left branch stacking. 02:21:50PM
5 COMMISSIONER: Yes. 02:21:54PM
6 MR GULLACI: Now, my recollection of that exchange between you 02:21:55PM
7 and Mr Somyurek was that he said that he didn't. Now, 02:21:58PM
8 I think Mr Somyurek, and I know he's present, but I think 02:22:03PM
9 there might have been a confusion in his mind as to 02:22:06PM
10 whether you were talking - - - 02:22:08PM
11 COMMISSIONER: All right. 02:22:09PM
12 MR GULLACI: And that's the issue I want to clarify. 02:22:09PM
13 COMMISSIONER: Very good. 02:22:12PM
14 MR GULLACI: Mr Somyurek, just wait. 02:22:16PM
15 MR SOMYUREK: Yeah. 02:22:19PM
16 MR GULLACI: I'm asking you firstly, and only from your state 02:22:20PM
17 of mind, why it was that you engaged in this conduct on or 02:22:23PM
18 around 11 March of 2020? 02:22:29PM
19 MR SOMYUREK: After almost a 20-year peace deal as a minister, 02:22:36PM
20 going back to those bad old days was something I couldn't 02:22:40PM
21 comprehend. So, I was too busy as it is and I just did 02:22:43PM
22 not want to go back to the Holt days when we started. 02:22:48PM
23 MR GULLACI: Did you have a belief about what the 02:22:54PM
24 Socialist Left had been doing throughout at least part of 02:22:56PM
25 2019 concerning branch stacking? 02:22:58PM
26 MR SOMYUREK: Yes, I did. I had constant SMSs from Adam 02:23:01PM
27 Sullivan explaining to me how many people they were 02:23:08PM
28 putting in. I was ignoring them until I got a breakdown 02:23:10PM
29 late in November or early December and then obviously 02:23:12PM

1 came - well, then I understood how many they'd put in and 02:23:15PM
2 then they raided the branch in Holt. 02:23:18PM
3 MR GULLACI: Was analysis done by you or anyone at your request 02:23:23PM
4 in terms of how many members the Socialist Left had been 02:23:27PM
5 turning up through 2019? 02:23:31PM
6 MR SOMYUREK: Yes, the analysis that was done was done by Adam 02:23:34PM
7 Sullivan initially. 02:23:38PM
8 MR GULLACI: And did you then do your own after that? 02:23:41PM
9 MR SOMYUREK: Yes, I did, and I found his analysis to be right 02:23:43PM
10 and 350 or so people had been put through. 02:23:47PM
11 MR GULLACI: So then I ask you this. Did that play any role in 02:23:56PM
12 what you were doing in terms of engaging or involving 02:23:59PM
13 yourself in the branch stacking in March 2020? 02:24:01PM
14 MR SOMYUREK: Yes, what you found - it upset the balance of 02:24:04PM
15 power in the region remarkably. The seats in danger were 02:24:11PM
16 actually AWU and NUW seats more than my personal interest. 02:24:15PM
17 It's just that it was a hit on the overall Right. So, 02:24:20PM
18 I reacted based on that. 02:24:24PM
19 MR GULLACI: And what was your reaction? What was your 02:24:29PM
20 intention? 02:24:31PM
21 MR SOMYUREK: To hit back, to prove to the Left that - well, it 02:24:32PM
22 was Julian Hill's staffers that were marching people in. 02:24:34PM
23 So the message I wanted to send to Julian Hill is, 'Mate, 02:24:38PM
24 if you want to get down and dirty like this, I've 02:24:42PM
25 experienced this, this is not fun, 20 years ago. Or do 02:24:44PM
26 you want to get on with your parliamentary career and 02:24:48PM
27 don't get yourself, you know, in a quagmire like Holt 02:24:50PM
28 was,' and I was hoping that people would tell him in the 02:24:55PM
29 Left how bad Holt was so that he wouldn't sort of continue 02:24:58PM

1 that behaviour. 02:25:01PM
2 MR GULLACI: They are the questions I wanted to ask. Thank 02:25:04PM
3 you, Commissioner. 02:25:06PM
4 COMMISSIONER: Yes, thank you. Mr Somyurek, I can't help but 02:25:07PM
5 notice the striking difference between the way in which 02:25:18PM
6 you responded to your counsel's questions and the way in 02:25:25PM
7 which you've been responding to Mr Carr's questions, and 02:25:28PM
8 I can only put that down to the simple proposition that 02:25:31PM
9 you no doubt have no fear that there's some ulterior 02:25:36PM
10 motive when Mr Gullaci, your counsel, asks you questions, 02:25:40PM
11 whereas when Mr Carr asks you questions you're suspicious 02:25:44PM
12 of his purposes or objectives and hence spend so much time 02:25:51PM
13 trying to anticipate where he might be going. So could 02:25:56PM
14 I suggest you've demonstrated you have a perfectly good 02:25:59PM
15 capacity of answering questions very simply and you strive 02:26:02PM
16 to do that with Mr Carr as well; do you follow? 02:26:05PM
17 MR SOMYUREK: Yeah, I've had a good think over lunchtime how 02:26:10PM
18 I could assist the inquiry by being more forthright, 02:26:14PM
19 Commissioner, and I'll do my best. 02:26:17PM
20 COMMISSIONER: Very good. 02:26:19PM
21 MR SOMYUREK: Commissioner, I've been sitting through this and 02:26:20PM
22 I've got text messages that I've had read out and I just 02:26:22PM
23 can't have any recollection of. So I'm having - I'm 02:26:25PM
24 having a psychological difficulty making any positive 02:26:28PM
25 statements because I think, 'Oh, maybe I've said 02:26:31PM
26 something.' So, you know, that's why. 02:26:35PM
27 COMMISSIONER: Just try and do your best, please? 02:26:37PM
28 MR SOMYUREK: I'll do my best, yeah. 02:26:40PM
29 COMMISSIONER: I just want to clarify then one thing that you 02:26:41PM

said to Mr Gullaci. Between 2002 and 2019, prior to the 02:26:43PM
reactivation of the war in the south-east, were you 02:26:55PM
engaged in the branch stacking practice of having 02:27:00PM
memberships paid for by persons other than the person who 02:27:05PM
was either seeking to join or renewing their membership? 02:27:09PM
MR SOMYUREK: Commissioner, we - so because there wasn't branch 02:27:19PM
stacking, there was renewal, and Mr Carr has put in a 02:27:23PM
wider definition of 'renewal', branch stacking. So under 02:27:26PM
that definition we are guilty of branch stacking, of 02:27:30PM
renewing members of the party who are not genuine members. 02:27:34PM
COMMISSIONER: Yes. 02:27:38PM
MR SOMYUREK: So colloquially for us in the caper we would not 02:27:38PM
call that branch stacking, but I take it that is the 02:27:42PM
working definition we've adopted. 02:27:45PM
COMMISSIONER: All right. Thank you. Yes, Mr Carr. 02:27:47PM
MR CARR: Thank you, Commissioner. 02:27:49PM
<EXAMINED BY MR CARR, continuing: 02:27:50PM
MR CARR: Could we see exhibit 453, please? Now, this is an 02:27:52PM
example of a time sheet for an electorate officer and 02:28:00PM
I want to ask you about the information that should be 02:28:06PM
included on these time sheets. Now, you can see this is 02:28:10PM
an example from Mr Cripps, who we were discussing earlier. 02:28:21PM
If we can see perhaps the next page, it might be. All 02:28:24PM
right. So we can see here there's various boxes to be 02:28:37PM
filled in, the type of activity, and you filled in in this 02:28:46PM
instance a cross for 'Other duties', and then it says, 02:28:54PM
'Please briefly outline reason for engagement'. Your 02:28:59PM
explanation is 'Working on project' and the box below that 02:29:04PM
on the left-hand side, 'Work location', you've put a cross 02:29:12PM

for the box 'Member's electorate office'. Now, this is a 02:29:20PM
form - I'm sorry, and we should just look at the whole 02:29:30PM
form so we understand how it works. You fill in - if we 02:29:32PM
scroll down - the date and time that the person has 02:29:36PM
worked, the hours, and then you and the employee sign; 02:29:41PM
correct? 02:29:48PM
MR SOMYUREK: Yep, yeah, appears to be right, yeah. 02:29:49PM
MR CARR: That's how - - - 02:29:51PM
MR SOMYUREK: Yeah. 02:29:52PM
MR CARR: That's how they work? 02:29:52PM
MR SOMYUREK: Yep, okay. 02:29:54PM
MR CARR: I want to understand, if we go back to the top of the 02:29:55PM
page, it says 'Working on a project' or 'Working on 02:30:04PM
project' as the reason for engagement. The purpose of 02:30:12PM
this is presumably to justify you engaging a casual 02:30:21PM
employee for the particular shifts that you've engaged 02:30:28PM
them for; would that sound right to you? 02:30:33PM
MR SOMYUREK: I haven't heard of that expression before, 02:30:39PM
'working on a project'. But, I mean, we agreed - I can't 02:30:43PM
recall what days we agreed. Whatever days we agreed he 02:30:49PM
was going to work, they must be those days he's working. 02:30:53PM
MR CARR: When you say you can't recall the expression 'working 02:30:56PM
on project', I've looked at a lot of time sheets that 02:30:59PM
you've signed and I don't recall seeing one that had any 02:31:03PM
other justification for employing a casual electorate 02:31:06PM
officer. That's your phrase on every form, isn't it, 02:31:09PM
Mr Somyurek? 02:31:13PM
MR SOMYUREK: That must be a - that must be a pro forma form of 02:31:15PM
words. The forms have changed and, yeah, so I haven't 02:31:18PM

seen it. But I have an electronic signature. You can see 02:31:25PM
that. But I would assume that they're the words that's 02:31:28PM
been negotiated through with Parliamentary Services for 02:31:32PM
casuals. 02:31:35PM
MR CARR: When you say - did you say you've got an electronic 02:31:37PM
signature on these? 02:31:40PM
MR SOMYUREK: Yeah. 02:31:41PM
MR CARR: Can we just - - - 02:31:45PM
MR SOMYUREK: I think. I'm not sure. I'm not sure. Look, 02:31:49PM
don't quote me on that. 02:31:53PM
MR CARR: No, I'd rather not quote you on that. You sign all 02:31:54PM
of these yourself, don't you? 02:31:57PM
MR SOMYUREK: Yeah, okay. Yep. 02:31:58PM
COMMISSIONER: That's your signature, the member's signature? 02:32:03PM
MR SOMYUREK: Yeah, it would be. It would be my signature, but 02:32:05PM
I do have an electronic signature as well. But I wouldn't 02:32:07PM
give it to anyone. I think Pinar had it. Yeah. 02:32:12PM
MR CARR: You see, the purpose of the signature and the reason 02:32:18PM
you wouldn't give it to anyone else, obviously, is because 02:32:22PM
this is your personal assurance as a member that the 02:32:25PM
casual employee has done the work described on the time 02:32:33PM
sheet, isn't it? 02:32:38PM
MR SOMYUREK: Yes. 02:32:45PM
MR CARR: Because it's your authority to Parliamentary 02:32:46PM
Services, 'You should pay this person for the work and the 02:32:51PM
work they've done is working on a project'? 02:32:54PM
MR SOMYUREK: Yep. 02:32:57PM
MR CARR: All right. Now, I've shown you two - - - 02:32:57PM
MR SOMYUREK: Again, they're not my words, 'Working on a 02:33:04PM

1 project'. I've never seen it before. But, yeah. But you 02:33:07PM
2 need to - so I'm not sure why they use that term. 02:33:11PM
3 COMMISSIONER: That's typed in, by the looks of it, 02:33:14PM
4 Mr Somyurek. Who would have typed in the document? 02:33:16PM
5 MR SOMYUREK: Mr Cripps probably himself. What are we, 02:33:21PM
6 February 2001. Would Pinar have done it? 02:33:26PM
7 MR CARR: Maybe it will assist if we scroll up to the first 02:33:32PM
8 one. It's handwritten. Whose handwriting is that? 02:33:35PM
9 MR SOMYUREK: Yeah, it looks like mine. 02:33:44PM
10 MR CARR: Yeah. So it's your expression, 'Working on a 02:33:45PM
11 project'; correct? 02:33:49PM
12 MR SOMYUREK: Yeah. It's there. I've written it. But I've 02:33:51PM
13 got to say I don't normally do that. So it would have 02:33:57PM
14 been an expression we got from someone that's probably 02:34:01PM
15 applied across the board. 02:34:06PM
16 MR CARR: One of the things that it does is it obscures the 02:34:07PM
17 nature of the work that's actually being done, doesn't it? 02:34:10PM
18 MR SOMYUREK: We used to just tick that box, as I recall. So 02:34:16PM
19 I'm not sure why that's been written there as on a 02:34:19PM
20 project. It used to be sufficient to just tick 'Other 02:34:25PM
21 duties', so that's why I'm wondering where those form of 02:34:29PM
22 words have emanated from. 02:34:33PM
23 MR CARR: Just about every one of your time sheets has that 02:34:37PM
24 same form of words, Mr Somyurek, 'Working on project'? 02:34:41PM
25 MR SOMYUREK: Again it will be helpful if you can sort of ask, 02:34:45PM
26 well, Parliamentary Services if that's the sort of 02:34:48PM
27 terminology to be used for casuals. 02:34:51PM
28 MR CARR: I'm just drawing your attention to the fact that it's 02:34:55PM
29 terminology that you should be familiar with because 02:35:00PM

you've signed - - - 02:35:04PM

MR SOMYUREK: Yeah. 02:35:06PM

MR CARR: Many, many dozens of time sheets with that written on them? 02:35:06PM 02:35:10PM

MR SOMYUREK: Do you know from when? 02:35:11PM

MR CARR: 2019 and 2020, Mr Somyurek, you repeatedly sign with that description? 02:35:15PM 02:35:23PM

MR SOMYUREK: It doesn't mean anything. That's fine. It's fine. 02:35:27PM 02:35:29PM

MR CARR: Precisely. It doesn't mean anything. It obscures that people are engaged in factional work? 02:35:29PM 02:35:35PM

MR SOMYUREK: Well, I could have written 'electoral work'. 02:35:38PM

MR CARR: You could have, and that would have been an outright lie, wouldn't it? 02:35:42PM 02:35:46PM

MR SOMYUREK: Not necessarily if they're answering phones and, you know, doors and stuff. But - - - 02:35:51PM 02:35:54PM

MR CARR: Well, let me ask you specifically then. Mr Cripps has - if we just scroll down to the next time sheet and I want you to look at it while I read to you the evidence that he's given about the shifts described on these two time sheets. 'So I was employed by Adem Somyurek as a casual, I think for - I won't be able to tell you the amount of shifts directly but it was maybe, like, six or seven.' 'And that was as an electorate officer again?' 'Yes.' 'And the duties you performed for him, were they similar in nature to those you did for Dr Kieu?' No, I was told not to go into the office.' 'Not to go into his electorate office?' 'No.' So his evidence is that he was told not to go to the electorate office? 02:35:57PM 02:36:05PM 02:36:12PM 02:36:15PM 02:36:19PM 02:36:29PM 02:36:31PM 02:36:34PM 02:36:37PM 02:36:41PM 02:36:46PM 02:36:50PM 02:36:57PM

1 MR SOMYUREK: No, absolutely untrue. That is absolutely not 02:37:04PM
2 true. 02:37:07PM
3 MR CARR: And - - - 02:37:08PM
4 MR SOMYUREK: And do what? Do what? 02:37:09PM
5 MR CARR: Let me give you a bit more of his evidence before 02:37:10PM
6 I come to your response. His evidence is that he did not 02:37:18PM
7 do any electorate officer work at all during any of these 02:37:24PM
8 shifts, that it was effectively just a charitable thing 02:37:31PM
9 that he would be given what I'll characterise as free 02:37:40PM
10 money by the taxpayer because he was going through a hard 02:37:47PM
11 time. That's the evidence that he's given on oath. You 02:37:52PM
12 say it's not true? 02:37:58PM
13 MR SOMYUREK: Not true. Not true. 02:38:02PM
14 MR CARR: Because you have signed and given your assurance as a 02:38:06PM
15 member of parliament that he's worked these times, that he 02:38:10PM
16 has been in your electorate office for those times, and 02:38:16PM
17 that he's been working on a project; correct? 02:38:21PM
18 MR SOMYUREK: Correct. I'm not going to give anyone - why 02:38:27PM
19 would I do that? 02:38:32PM
20 MR CARR: Because Mr Cripps is immediately after this time then 02:38:35PM
21 engaged in the factional work on your behalf that we've 02:38:42PM
22 seen you describing in the March meeting? 02:38:47PM
23 MR SOMYUREK: Yeah, no. I wasn't that desperate to have him, 02:38:55PM
24 I can tell you. Like, I'm not going to do that. No way. 02:39:00PM
25 MR CARR: Because that would be the most egregious form of 02:39:03PM
26 corruption, wouldn't it, Mr Somyurek - - - 02:39:09PM
27 MR SOMYUREK: Yes. 02:39:11PM
28 MR CARR: Having someone paid and telling them, 'Don't bother 02:39:12PM
29 coming to the electoral office' - - - 02:39:15PM

MR SOMYUREK: Yeah, no, I'm not going to do that. There is no way I'm going to do that. 02:39:19PM 02:39:21PM

MR CARR: I tender those two time sheets, Commissioner. 02:39:22PM

COMMISSIONER: You've concluded that subject? 02:39:26PM

MR CARR: Yes. 02:39:28PM

COMMISSIONER: Before you move on, firstly you see there the times that are inserted, Mr Somyurek? 02:39:28PM 02:39:38PM

MR SOMYUREK: Yes. 02:39:42PM

COMMISSIONER: They're all during working hours? 02:39:45PM

MR SOMYUREK: Yes, they are. 02:39:47PM

COMMISSIONER: Are you able from your memory - are you able to tell us what work Mr Cripps was doing in your office? 02:39:49PM 02:39:53PM

MR SOMYUREK: I don't know what he was doing in my office, but I did not tell him not to go to my office. 02:40:00PM 02:40:02PM

COMMISSIONER: You can remember engaging him, can you? 02:40:05PM

MR SOMYUREK: Yeah, these guys - I mean, this guy had been moved on from a federal MP's office because he switched factions, so (indistinct), and I felt like I had - you know, honour bound to help find him a job. But not free money. 02:40:08PM 02:40:11PM 02:40:16PM 02:40:19PM 02:40:27PM

COMMISSIONER: Mr Somyurek, I'm just asking you whether you can recall actually engaging him; that is, the occasion when you advised him that you would employ him. Can you recall that occasion? 02:40:28PM 02:40:31PM 02:40:36PM 02:40:42PM

MR SOMYUREK: Yes, I remember - yes, I do. I do. 02:40:46PM

COMMISSIONER: And are you able to say from memory that you definitely did not tell him that he didn't need to come into the office? 02:40:52PM 02:40:55PM 02:41:00PM

MR SOMYUREK: No, I did not. 02:41:01PM

1 COMMISSIONER: What work did you tell him that you were 02:41:03PM
2 expecting him to perform? 02:41:05PM
3 MR SOMYUREK: Well, he's an experienced electoral officer, 02:41:07PM
4 so - - - 02:41:12PM
5 COMMISSIONER: No, I'm not asking you to - - - 02:41:12PM
6 MR SOMYUREK: Okay. 02:41:13PM
7 COMMISSIONER: What did you tell him? 02:41:15PM
8 MR SOMYUREK: To go in to work and to, you know, look after the 02:41:16PM
9 office, pick up the phones, if people come to the counter, 02:41:19PM
10 do the constituent work. You don't have to be too 02:41:25PM
11 specific when you've got an experienced electoral officer 02:41:29PM
12 on board. But, yeah, I do recall he wanted to work 02:41:34PM
13 without - he did want to do something where he had a - and 02:41:37PM
14 I said no. 02:41:43PM
15 COMMISSIONER: I'm sorry, is that all you wanted to say? 02:41:52PM
16 MR SOMYUREK: Anyway, yeah, yeah, yeah. 02:41:54PM
17 COMMISSIONER: Could you just go up the screen a little, 02:42:01PM
18 please. That's fine. You'll recall your evidence before 02:42:03PM
19 lunch in which you said that you never told electoral 02:42:12PM
20 staff that they were not to do any factional work during 02:42:16PM
21 working hours; do you recall that evidence? 02:42:21PM
22 MR SOMYUREK: Yeah, I don't tell people not to do things like 02:42:25PM
23 surf the net and stuff, yeah. 02:42:29PM
24 COMMISSIONER: Do you see immediately above the three boxes, 02:42:30PM
25 the third one being the one where you've put in 'Working 02:42:35PM
26 on project'? 02:42:38PM
27 MR SOMYUREK: Yeah. 02:42:40PM
28 COMMISSIONER: It notes, 'Please note payment must not be 02:42:41PM
29 claimed for party-political activities. See the members' 02:42:45PM

1 guide for guidelines and examples of what could constitute 02:42:54PM
2 party-political activities.' Were you conscious of that 02:42:57PM
3 in employing casual staff? 02:43:00PM
4 MR SOMYUREK: No. 02:43:03PM
5 COMMISSIONER: Had you not noticed that before? 02:43:06PM
6 MR SOMYUREK: I hadn't noticed it, no. But I - yeah. 02:43:07PM
7 COMMISSIONER: So that brings me back to the question I asked 02:43:13PM
8 you before lunch. Were you conscious of the fact that 02:43:16PM
9 factional activity such as branch stacking would not fall 02:43:29PM
10 within the notions of public duties which has got to be 02:43:40PM
11 your primary responsibility as a member of parliament? 02:43:48PM
12 MR SOMYUREK: Yeah, I can see what - I can see where you're 02:43:55PM
13 coming from with that. 02:43:58PM
14 COMMISSIONER: Don't worry about where I'm coming from, 02:43:59PM
15 Mr Somyurek. Just focus on the questions. You see, the 02:44:02PM
16 Ombudsman noted in her report, which eventually found its 02:44:12PM
17 way to parliament after quite lengthy litigation in which 02:44:17PM
18 there was a dispute, wasn't there, about her jurisdiction 02:44:20PM
19 to make the inquiry, but she noted, did she not, that the 02:44:24PM
20 members' guide specifically provides that parliament does 02:44:33PM
21 not fund positions to support the members 'political or 02:44:38PM
22 party duties? Are you aware that that was the members' 02:44:43PM
23 guide? 02:44:49PM
24 MR SOMYUREK: Yes, she did, and then she called it an 02:44:50PM
25 unenforceable document. 02:44:52PM
26 COMMISSIONER: And that's reflected here in the notation in 02:44:59PM
27 relation to the casual employment document, isn't it? 02:45:02PM
28 MR SOMYUREK: Yes. I haven't seen that before, yes. There it 02:45:06PM
29 is, yep. 02:45:10PM

1 COMMISSIONER: So it should have been plain to you that you 02:45:12PM
2 couldn't use Mr Cripps for any factional work during 02:45:16PM
3 working hours, could you? 02:45:22PM
4 MR SOMYUREK: Look, again, I've been through this and I'm going 02:45:26PM
5 to repeat myself, Commissioner, and I don't want to repeat 02:45:29PM
6 myself. My position stands on what I said. However, I am 02:45:33PM
7 concentrating on this. Commissioner, I have made my 02:45:40PM
8 myself clear on this particular issue. You don't want me 02:45:46PM
9 to keep repeating myself. 02:45:48PM
10 COMMISSIONER: No. 02:45:51PM
11 MR SOMYUREK: I think it's a matter of degree. I think it's a 02:45:51PM
12 matter of proportion, right? But I am not happy that this 02:45:54PM
13 gentleman hasn't rocked up for work. 02:45:57PM
14 COMMISSIONER: Yes. Well, is there anything else you want to 02:46:00PM
15 say to me about his work that might bear on whether or not 02:46:04PM
16 the Commission should conclude that he was knowingly 02:46:09PM
17 engaged by you in contravention of the guideline? 02:46:16PM
18 MR SOMYUREK: Of the members' guide? 02:46:23PM
19 COMMISSIONER: Yes. 02:46:25PM
20 MR SOMYUREK: No, no, I don't think that's the case. He was 02:46:27PM
21 meant to rock - yeah, he was meant to rock up to the city, 02:46:35PM
22 so I'm not sure why he didn't. He lives pretty close. 02:46:38PM
23 It's not like he was meant to go to Dandenong. 02:46:41PM
24 COMMISSIONER: I'm sorry, is there something else you wanted to 02:46:45PM
25 add? 02:46:48PM
26 MR SOMYUREK: I'm confused why he didn't go to work, when he 02:46:48PM
27 lives in Northcote and my office at that point was in the 02:46:52PM
28 city. 02:46:56PM
29 COMMISSIONER: All right. Yes, Mr Carr. That will be 02:46:57PM

exhibit 75. 02:46:58PM

02:46:59PM

#EXHIBIT 75 - Example of time sheet for an electorate officer, 02:47:00PM
exhibit 453 02:47:02PM

MR CARR: We've already covered yesterday in some detail, and 02:47:02PM
I don't want to go back over it, I just want to remind you 02:47:05PM
of the evidence about how little actual electorate officer 02:47:08PM
work there was to be done in your electorate office. Now, 02:47:13PM
in that context this is an example of you employing 02:47:19PM
someone for the first time in early 2020 as a casual. 02:47:26PM
Now, why on earth would you think it a legitimate thing to 02:47:37PM
do to put on a casual employee to come and do shifts at 02:47:42PM
your electorate office when you well knew there was no 02:47:48PM
genuine work for him to do, if he attended? 02:47:54PM

MR SOMYUREK: Well, he should have attended, Mr Carr. Like 02:48:00PM
I said, I'm getting more angry when - - - 02:48:04PM

MR CARR: We've moved past the attendance issue. The 02:48:09PM
question - - - 02:48:09PM

MR SOMYUREK: Well, the office was in the city and not in 02:48:10PM
Dandenong, so I'm not sure why he actually didn't attend. 02:48:12PM

MR CARR: As I say, let's move past the attendance issue and 02:48:14PM
focus on why you would have put him on to do shifts when 02:48:17PM
there's no work to be done? 02:48:25PM

MR SOMYUREK: I mean, we're employing someone. Giving someone 02:48:27PM
a job is not about - it's not about - he was working in a 02:48:32PM
federal member's office. He got sacked because he changed 02:48:37PM
factions, and I thought it was the right thing to do, to 02:48:40PM
give a young man a job, yeah. But - - - 02:48:43PM

MR CARR: Can I just make sure I understand. I don't want to 02:48:49PM

cut across you, but I want to make sure I understood that 02:48:53PM
part of your answer. He's been sacked because he's 02:48:56PM
changed to your faction, he's lost his job? 02:49:03PM
MR SOMYUREK: Yep. 02:49:05PM
MR CARR: Having a hard time financially? 02:49:06PM
MR SOMYUREK: Yep. 02:49:07PM
MR CARR: And you're effectively being magnanimous with the 02:49:07PM
taxpayers' money to allow him to have this job that 02:49:13PM
doesn't have any work associated with it? 02:49:21PM
MR SOMYUREK: Well, if he had the decency to rock up it would 02:49:27PM
have helped. 02:49:29PM
MR CARR: But it didn't make a difference whether he rocked up 02:49:30PM
because there was no work for him to do, Mr Somyurek, was 02:49:32PM
there? 02:49:35PM
MR SOMYUREK: I beg to differ. I think it does make a 02:49:35PM
difference. Can I just say this, Mr Carr? The 02:49:37PM
opportunity cost, I guess, of employing someone will be me 02:49:45PM
taking overseas trips, you know, business class trips 02:49:49PM
around the world. I didn't - I chose to use that - 02:49:52PM
employing someone that's been sacked. Do you see my 02:49:57PM
point? We've got entitlements and the way it works is 02:50:01PM
I could do glossy leaflets, big billboards with my face 02:50:04PM
everywhere across the electorate, ads in papers, in 02:50:08PM
cinemas, or you can give someone a job; right? 02:50:14PM
So most MPs spend their allowance. I tend not 02:50:17PM
to. I'm well under. But I do give people jobs. I'm 02:50:21PM
telling you this is maybe not the right thing, Mr Carr. 02:50:26PM
You've asked for why I would do things, and I'm explaining 02:50:29PM
to you why. The way I rationalise these things is, you 02:50:32PM

1 know, I could do these other things. I'm not. I'm giving 02:50:35PM
2 someone a job. You know, these other things that will 02:50:39PM
3 probably give me more - I won't say gratitude, because 02:50:43PM
4 employing someone should give you gratitude, but other 02:50:49PM
5 things that I can derive pleasure from, like going 02:50:51PM
6 overseas. And I'm not doing that. I'm not using my 02:50:54PM
7 electoral office budget for that. I'm giving someone a 02:50:58PM
8 job. So my rationale is that employing someone is a good 02:51:01PM
9 thing to do. 02:51:06PM
10 MR CARR: Even if there's no work for them to do? 02:51:09PM
11 MR SOMYUREK: Well, I wouldn't be too absolute about that. 02:51:13PM
12 I wouldn't be too absolute about that. 02:51:20PM
13 MR CARR: I don't want to cover the same terrain we've already 02:51:22PM
14 covered yesterday. But you'll remember that terrain. Is 02:51:26PM
15 it your position then that you're being magnanimous by not 02:51:36PM
16 taking business class trips overseas the way you perceive 02:51:47PM
17 you were entitled to do and instead using the taxpayers' 02:51:51PM
18 money to help out someone who has joined your faction? 02:51:58PM
19 MR SOMYUREK: I'm merely saying that the money wasn't going 02:52:04PM
20 to - you know, to something for - to something like 02:52:07PM
21 overseas trips. It was going to employ someone. And what 02:52:10PM
22 I think is that giving someone a job is a good thing. You 02:52:13PM
23 know, it provides dignity to a person that hasn't got 02:52:17PM
24 work. But you've got to be in the office to do that. If 02:52:21PM
25 you're sitting at home it doesn't give you anything. 02:52:25PM
26 But, Commissioner and Mr Carr, this is not 02:52:30PM
27 being - the goalposts are being shifted all of a sudden; 02:52:33PM
28 right? For the 20 years or so that I've been a member of 02:52:37PM
29 parliament we've looked at legislation, we've looked at 02:52:40PM

1 various other things, we've got advice from Parliamentary 02:52:42PM
2 Services, that's the way I operate, and then I've looked 02:52:45PM
3 at custom and practice and culture and proceeded on this 02:52:49PM
4 basis. And now I'm told that giving - putting someone on 02:52:52PM
5 casual is wrong because 'we've got to measure the volume 02:52:59PM
6 of work you're getting'. You know, the goalposts have 02:53:02PM
7 sort of moved a bit; okay? 02:53:06PM
8 So maybe after your report where you put the 02:53:08PM
9 boundaries around employment of electoral officers, maybe 02:53:13PM
10 it's a different ball game. But this is the way I've 02:53:19PM
11 worked for the past 20 years. This is the way - you know, 02:53:22PM
12 we all talk to each other. This is what we do. You seek 02:53:25PM
13 advice along the way from Parliamentary Services, and 02:53:29PM
14 nowhere has it been mentioned to me that 'we've got to 02:53:33PM
15 measure the input through your office first'. 02:53:36PM
16 COMMISSIONER: You're not suggesting, I take it, Mr Somyurek, 02:53:41PM
17 that any advice or information ever came from 02:53:44PM
18 Parliamentary Services that contradicted the guideline 02:53:50PM
19 which I drew your attention to and which appears in the 02:53:56PM
20 casual employment document? 02:53:59PM
21 MR SOMYUREK: No, I'm not suggesting that at all. Now, this 02:54:07PM
22 gentleman - - - 02:54:11PM
23 COMMISSIONER: But may I ask you on that score did 02:54:13PM
24 Parliamentary Services - did they ever audit your 02:54:26PM
25 employment records to ascertain whether or not you were 02:54:31PM
26 complying with your obligation to ensure that you only 02:54:35PM
27 employ people in relation to the discharge of your public 02:54:40PM
28 duties and not for party-political purposes? 02:54:46PM
29 MR SOMYUREK: I doubt that very much. I don't know. I doubt 02:54:49PM

1 that very much. 02:54:51PM
2 COMMISSIONER: You don't have any memory of that occurring? 02:54:52PM
3 MR SOMYUREK: I don't have any memory. And, Commissioner, if 02:54:54PM
4 I was pulled up on that I would not be - absolutely 02:54:57PM
5 I would be compliant on it. You know, this wouldn't be a 02:54:59PM
6 factor. And let's not forget at that point of time, that 02:55:04PM
7 was late February, we hadn't had that March meeting yet, 02:55:08PM
8 Mr Carr, too. So you can't exactly say that I've given 02:55:12PM
9 him tasks to do with organisational matters and therefore 02:55:17PM
10 he's gone off to do those tasks. I got him. There were 02:55:20PM
11 no tasks. His job was to man the electorate office, and 02:55:27PM
12 he seems not to have done that. 02:55:30PM
13 MR CARR: But you've signed saying he attended the electorate 02:55:33PM
14 office on one - - - 02:55:38PM
15 MR SOMYUREK: Obviously I've been told he has. Obviously I've 02:55:40PM
16 been told he has. I mean, that's really on trust, as you 02:55:42PM
17 know. I was a minister too. So if someone tells you that 02:55:46PM
18 he has you've got to accept it on their word; you've just 02:55:49PM
19 got to. 02:55:53PM
20 COMMISSIONER: Mr Somyurek, I do urge you to take a little more 02:55:54PM
21 care in your responses to questions. My memory is that 02:56:00PM
22 when you were initially faced with the allegation from 02:56:09PM
23 Mr Carr that Mr Cripps had testified that he was not 02:56:14PM
24 required to come in to the office you said words to the 02:56:22PM
25 effect that such an assertion was false, did you not? 02:56:27PM
26 MR SOMYUREK: Yes. I maintain that position. 02:56:33PM
27 COMMISSIONER: But as I now understand your evidence you're not 02:56:36PM
28 prepared to say that it may well be the case that he 02:56:38PM
29 didn't come into the office but he should have? 02:56:42PM

1 MR SOMYUREK: No, Commissioner. I maintain from my first 02:56:50PM
2 answer that he wasn't told to stay home. Now, what I'm 02:56:53PM
3 saying is I wasn't in the office to check whether he came 02:56:58PM
4 in. If I've signed that, I've been told that he was 02:57:01PM
5 coming in. I had no reason to believe that he wasn't 02:57:08PM
6 coming into the office. 02:57:11PM
7 COMMISSIONER: Thank you. Yes, Mr Carr. 02:57:12PM
8 MR CARR: It certainly would have been entirely improper for 02:57:14PM
9 you to have ticked the box indicating, 'Work location 02:57:18PM
10 member's electorate office', if you knew that he wasn't in 02:57:27PM
11 fact working at your electorate office? 02:57:30PM
12 MR SOMYUREK: Mr Carr, you can tick 'working from home'. 02:57:34PM
13 MR CARR: Precisely. So - - - 02:57:37PM
14 MR SOMYUREK: See what I'm saying? 02:57:39PM
15 MR CARR: When you tick 'Work location member's electorate 02:57:40PM
16 office' that indicates obviously enough that the person is 02:57:44PM
17 in the electorate office? 02:57:50PM
18 MR SOMYUREK: That's right. But, you know, if he was working 02:57:52PM
19 from home, why do we tick - well, if he was at home at 02:57:56PM
20 least we could have ticked 'working from home'. So the 02:58:00PM
21 fact that I've ticked 'working from electorate office' to 02:58:02PM
22 me indicates that I expect him to be in the electorate 02:58:06PM
23 office. That's precisely the point. 02:58:12PM
24 MR CARR: Well, let's have a look at another one then. Can we 02:58:14PM
25 see exhibit 99, please? 02:58:17PM
26 COMMISSIONER: That last document will be exhibit 75. 02:58:27PM
27 MR CARR: Can you see it's a message from someone described as 02:58:31PM
28 'Peter Hong's office'; that's Peter Davis, correct? 02:58:40PM
29 MR SOMYUREK: Yeah. 02:58:45PM

1 MR CARR: 'Hi Adem, can Salazar work from Heang's office 02:58:45PM
2 tomorrow to fix a few Cambodian member discrepancies?' 02:58:51PM
3 Your answer, 'Yes.' Salazar is Salazar Youhorn; correct? 02:58:55PM
4 MR SOMYUREK: Yes. 02:59:02PM
5 MR CARR: Working at your electorate office or, rather, being 02:59:02PM
6 paid to work at your electorate office; correct? 02:59:05PM
7 MR SOMYUREK: Yep, but working - yeah, working within my 02:59:10PM
8 constituency, if he's from Hong's office. Anyway. If 02:59:13PM
9 he's in Hong's office. 02:59:17PM
10 MR CARR: Now, again, and we don't have the time sheet 02:59:19PM
11 available, but we can tell you that the time sheet you 02:59:25PM
12 signed for Salazar Youhorn for the next day, 18 July 2019, 02:59:28PM
13 you've again ticked 'work location member electorate 02:59:39PM
14 office'. 02:59:46PM
15 MR SOMYUREK: M'hmm. 02:59:46PM
16 MR CARR: And duly Mr Youhorn has been paid for the day that he 02:59:47PM
17 presumably spent in Mr Heang's office - sorry, in Heang's 03:00:00PM
18 office fixing Cambodian member discrepancies. Now, 03:00:08PM
19 Mr Somyurek, what you've done by signing that time sheet 03:00:16PM
20 is quite misleading, isn't it? 03:00:24PM
21 MR SOMYUREK: Well, I could have - yeah, that probably is, yep. 03:00:32PM
22 MR CARR: It's just a lie? 03:00:36PM
23 MR SOMYUREK: I'm not going to be cute about it. I can say he 03:00:41PM
24 was servicing my constituency, but I'm not going to be 03:00:44PM
25 cute about it. Yeah, it's wrong. 03:00:47PM
26 MR CARR: It's, to use your definition of 'corruption', misuse 03:00:49PM
27 of taxpayer resources; that's what it is? 03:00:57PM
28 MR SOMYUREK: Probably. Well - - - 03:01:09PM
29 MR CARR: You've lied on the time sheet and you know what he's 03:01:13PM

1 doing; he's fixing member discrepancies in Heang's office. 03:01:21PM
2 What about that is not corruption, Mr Somyurek? 03:01:27PM
3 MR SOMYUREK: Extreme terminology but, yeah, okay. 03:01:38PM
4 MR CARR: I tender that document, Commissioner. 03:01:40PM
5 COMMISSIONER: Exhibit 76. 03:01:43PM
6 03:01:44PM
7 #EXHIBIT 76 - Exhibit 99, message from 'Peter Hong's office'. 03:01:44PM
8 MR CARR: Now, can I ask that we look at exhibit 363.1, please. 03:01:45PM
9 COMMISSIONER: Just remind me, Mr Somyurek, when do you say war 03:01:58PM
10 was declared in relation to the south-east? 03:02:01PM
11 MR SOMYUREK: 24 December 2019. 03:02:06PM
12 COMMISSIONER: So this particular engagement at Heang's office 03:02:17PM
13 occurred before then? 03:02:21PM
14 MR SOMYUREK: When was he engaged, Mr Carr, can you 03:02:24PM
15 please - - - 03:02:29PM
16 MR CARR: July 2019. 03:02:31PM
17 MR SOMYUREK: After. No, sorry, no, it's got nothing to do 03:02:33PM
18 with that war. 03:02:35PM
19 MR CARR: I'm sorry, I've got the wrong exhibit. Sorry, I've 03:02:44PM
20 given you the wrong exhibit number. We'll just find the 03:02:58PM
21 right exhibit and I'll come back to - we'll come back to 03:03:02PM
22 that issue. Now, let's move on to the evidence that you 03:03:24PM
23 adverted to a little earlier today. You obviously 03:03:32PM
24 followed Mr Byrne's evidence that you had pressured him to 03:03:36PM
25 put Hakki Suleyman on in his electorate office without any 03:03:43PM
26 requirement that Mr Suleyman attend his office. 03:03:49PM
27 MR SOMYUREK: Sorry, have you finished? Should I answer that 03:03:56PM
28 question? 03:04:00PM
29 MR CARR: No, I want to start by inviting your response to that 03:04:00PM

1 evidence. 03:04:03PM
2 MR SOMYUREK: Okay, I agree - I agree in part. So 03:04:03PM
3 I was - yeah. He might say it's pressure, but 03:04:07PM
4 I - normally I would ask and I did ask. But I was asking, 03:04:10PM
5 but I was more, you know - I wouldn't say pressure, but 03:04:14PM
6 I was asking - - - 03:04:18PM
7 MR CARR: Let's do the best we can - - - 03:04:22PM
8 MR SOMYUREK: Calling in a favour; right? I was 03:04:24PM
9 calling - I was asking him a pretty - I can't pressure 03:04:27PM
10 Anthony Byrne. But one thing that he said then he reneged 03:04:29PM
11 on, he didn't want him in the office, and I can be - it's 03:04:33PM
12 very, very clear he did not want him in the office. He 03:04:36PM
13 said, 'I don't want him anywhere near my office.' I said, 03:04:40PM
14 'He's willing to - you know, he can travel. You know, 03:04:44PM
15 stuff him, let him travel down.' He said, 'Nuh, I don't 03:04:48PM
16 want him anywhere near my office,' and that's the evidence 03:04:51PM
17 he gave on the first day I think, and then he went back on 03:04:57PM
18 it. 03:05:00PM
19 MR CARR: Let's just understand the pressure you put on him. 03:05:01PM
20 Can we look at exhibit 118, please? 03:05:03PM
21 MR SOMYUREK: Where's the words? 03:05:17PM
22 MR CARR: Perhaps before we scroll through all of this let me 03:05:19PM
23 make sure I get it clear in my own mind at least what your 03:05:23PM
24 position is. You accept that you put some pressure on 03:05:29PM
25 Mr Byrne to put Mr Suleyman on? 03:05:35PM
26 MR SOMYUREK: Yep. 03:05:38PM
27 MR CARR: And you accept that it was your position that 03:05:38PM
28 Mr Suleyman would not - should not be required to turn up 03:05:44PM
29 for work? 03:05:49PM

1 MR SOMYUREK: I'm not sure what I've said in a text message, 03:05:52PM
2 but I remember speaking to him and he was saying, 'Nuh, 03:05:55PM
3 I don't want him anywhere near me, my office.' 03:05:58PM
4 MR CARR: And was it your position that Mr Suleyman not be 03:06:02PM
5 required to turn up to work? 03:06:07PM
6 MR SOMYUREK: Absolutely not. I wasn't happy that I was 03:06:11PM
7 putting an ask on someone, and I actually wanted him to 03:06:13PM
8 rock up by train or whatever it was from where he lives. 03:06:17PM
9 I actually wanted him to go through that discomfort of 03:06:21PM
10 going to Fountain Gate. 03:06:25PM
11 MR CARR: Why were you putting pressure on Mr Byrne to have 03:06:29PM
12 Mr Suleyman in his office? 03:06:34PM
13 MR SOMYUREK: This is completely factional. We were at a - he 03:06:38PM
14 needed a job; right? He was, again, moved on from another 03:06:42PM
15 electorate office for factional reasons, because he ended 03:06:46PM
16 up in another sort of - he ended up at the AWU. He was 03:06:53PM
17 with Conroy. But he was - yeah, he was around. But his 03:06:58PM
18 son works for the TWU. They were causing - they were 03:07:03PM
19 causing a lot of, lot of pressure, lot of instability. 03:07:06PM
20 The family, they've got two (indistinct) votes. It was 03:07:13PM
21 like a very critical structure where we had done a 03:07:16PM
22 re-alignment with the - with the - there was a 03:07:19PM
23 re-alignment that happened. And the Suleyman - Natalie 03:07:25PM
24 and her brother Mem Suleyman, who works for the TWU, were 03:07:30PM
25 causing me a lot of pain and stress. 03:07:35PM
26 Now, he had been an electorate officer for a long 03:07:37PM
27 time. He needed a federal position. He couldn't get a 03:07:40PM
28 state position because he was persona non grata there, and 03:07:43PM
29 I asked Anthony to do me a favour. But, yeah - I wasn't 03:07:49PM

happy about doing it, I really wasn't, and I resented the 03:07:55PM
fact that I had to do it. Anthony resented obviously 03:07:58PM
having him on. But he - I did not say he shouldn't rock 03:08:01PM
up to work. Anthony said that. Let's not forget he had 03:08:05PM
Serdar Caglayancay on for 10 years without him coming to 03:08:08PM
work. So it's not like something he hasn't done. Yeah. 03:08:12PM
MR CARR: Let's just come back to the question that I asked you 03:08:17PM
that prompted that long explanation. What was the 03:08:20PM
factional imperative to get work for Hakki Suleyman? 03:08:26PM
MR SOMYUREK: I've just explained it to you. They were giving 03:08:41PM
me a lot of trouble. He had lost his job. Again, he had 03:08:45PM
no job - because of a factional re-alignment he had no 03:08:49PM
job, because he was no longer in - I think it was the 03:08:53PM
Conroy faction. Conroy wanted him out. 03:08:55PM
MR CARR: Was there a deal, a quid pro quo, that Mr Suleyman 03:08:58PM
gets a job - - - 03:09:05PM
MR SOMYUREK: No deal. 03:09:07PM
MR CARR: In return you get something? 03:09:08PM
MR SOMYUREK: No. 03:09:10PM
MR CARR: Has there ever been any discussion of a deal 03:09:12PM
involving you and a job for Mr Suleyman? 03:09:17PM
MR SOMYUREK: No. What do you mean? Byrne's office? 03:09:25PM
MR CARR: Well, just a deal for - where you get something and 03:09:29PM
Hakki Suleyman gets a job? 03:09:34PM
MR SOMYUREK: No. 03:09:38PM
MR CARR: Okay. 03:09:38PM
MR SOMYUREK: No, no. I resented having to do this, I really 03:09:38PM
do, and I really lost respect - I'm not going to be too 03:09:43PM
strong with it, but I really - I really resented the way 03:09:49PM

they were playing up during that episode, the Suleyman 03:09:51PM
clan. And for me it was like - yeah, it was - and 03:09:54PM
I resented the fact that I had to go to my friend with 03:10:00PM
this ask. You know, so - but let's be clear about this, 03:10:03PM
Mr Carr. I would have derived a great deal of pleasure in 03:10:09PM
making him catch two trains and a bus or whatever it was 03:10:13PM
for him to attend that - to attend Byrne's office in 03:10:18PM
Fountain Gate. 03:10:23PM
MR CARR: So let me just be clear about - we know that 03:10:23PM
Mr Suleyman wasn't required to work in Mr Byrne's office. 03:10:33PM
I just want to be clear whether that was part of the ask. 03:10:40PM
MR SOMYUREK: No. Absolutely not. 03:10:46PM
MR CARR: That was just unilaterally from Mr Byrne, 'All right, 03:10:48PM
I'll put him on,' but no aspect of your discussions with 03:10:53PM
anyone from the Suleyman clan involved the idea of 03:10:59PM
Mr Suleyman not turning up to work? 03:11:04PM
MR SOMYUREK: No. To their credit too, and I went back pretty 03:11:07PM
forcefully with them that he's got to turn up; right? And 03:11:13PM
he said, 'Yes, yes, he'll turn up, he'll turn up.' So 03:11:16PM
I can assure you that's Byrne. Look, he had, like I said, 03:11:21PM
Mr Serdar Caglayancay for 10 years did not turn up to his 03:11:24PM
office. He benefited from these ethnic recruiters, but he 03:11:27PM
didn't want them in his office. Sort of it was a reminder 03:11:30PM
how he got there, I think. 03:11:33PM
MR CARR: Can we see exhibit 425, please? I just want to take 03:11:34PM
you to the first box. It's on the second page. This is a 03:11:41PM
message from you to Mem and Natalie Suleyman and 03:11:47PM
John Berger. John Berger is an official of which union? 03:11:53PM
MR SOMYUREK: John Berger, yep. 03:11:58PM

1 MR CARR: Which union? Sorry, Mr Suleyman - - - 03:11:58PM
2 COMMISSIONER: Just wait a minute. You'll have an opportunity 03:12:03PM
3 to read it. Mr Carr is asking you - - - 03:12:05PM
4 MR SOMYUREK: Yeah, yeah, sorry. 03:12:07PM
5 MR CARR: Which union was John Berger a - - - 03:12:08PM
6 MR SOMYUREK: TWU. 03:12:12PM
7 MR CARR: All right. So let's just read what you wrote, and 03:12:14PM
8 this is it seems directed to the Suleymans. 'I'm actually 03:12:19PM
9 furious with our conversation. You cannot put your 03:12:29PM
10 father's unjust employment circumstances solely on my 03:12:32PM
11 shoulders. I've been working overtime to assist him. We 03:12:35PM
12 found employment for him in the state system. 03:12:38PM
13 Unfortunately Telmo and Conroy knocked him off. I ended 03:12:40PM
14 up having a brawl with the President of the Upper House in 03:12:43PM
15 support of your father. I've now said to you that I will 03:12:46PM
16 put my 20-year relationship with my friend Anthony Byrne 03:12:49PM
17 on the line and put it on him to give two days a week for 03:12:52PM
18 your father at his office, yet that is not good enough. 03:13:00PM
19 I tell you that we can get him back into the state system 03:13:02PM
20 and you say that my sister's name will be compromised. 03:13:04PM
21 Yet you ask that your dad work in Anthony's office without 03:13:11PM
22 having to turn up. What about Anthony 's name?' Now, 03:13:15PM
23 it's clear that the ask was that Hakki Suleyman get two 03:13:22PM
24 days a week and not have to turn up to work; correct? 03:13:31PM
25 MR SOMYUREK: No. I don't know whereabouts in this there was, 03:13:37PM
26 but I was clear that they had to turn up. I'm not sure 03:13:41PM
27 what part of the process this was. Was this after Anthony 03:13:44PM
28 said 'yes'? But I can't even recall them 03:13:47PM
29 saying - I remember they were fine with him turning up. 03:13:50PM

1 MR CARR: It's a pretty remarkable thing to write to them if 03:13:53PM
2 they were fine with him turning up, 'You ask that your dad 03:13:57PM
3 work in Anthony's office without having to turn up'? 03:14:01PM
4 MR SOMYUREK: What was their response? Can we just keep 03:14:04PM
5 reading? It might refresh my memory. But, Mr Carr, the 03:14:06PM
6 ask certainly was not that he not turn up. I can 03:14:13PM
7 guarantee you of that. Can we please keep reading? 03:14:16PM
8 I just want to see if there's a hint. I can't see because 03:14:18PM
9 of your box there. 03:14:22PM
10 MR CARR: We'll keep reading, but I just want to understand how 03:14:24PM
11 it is that you say there was no request made for 03:14:27PM
12 Mr Suleyman to not have to turn up to work when you've 03:14:34PM
13 said to Mem Suleyman, 'Yet you ask that your dad work in 03:14:39PM
14 Anthony's office without having to turn up.' Now, why on 03:14:48PM
15 earth did you write that he had asked that his dad work in 03:14:54PM
16 Anthony's office without having to turn up if that wasn't 03:15:01PM
17 what he had asked for? 03:15:06PM
18 MR SOMYUREK: Well, hang on. Let's be clear about this. When 03:15:10PM
19 was this SMS sent? When was the one to - hang on, can 03:15:13PM
20 I just write it down? 1/3/17. When was the other SMS 03:15:18PM
21 sent to Mr Byrne? 03:15:23PM
22 MR CARR: We'll come back to other evidence in a moment. 03:15:24PM
23 I just want to concentrate on your state of mind when 03:15:28PM
24 you're writing to Mem Suleyman, 'Yet you ask that your dad 03:15:31PM
25 work in Anthony's office without having to turn up.' Now, 03:15:38PM
26 as I've understood your evidence in the last couple of 03:15:44PM
27 minutes it was to the effect that you were not asked to 03:15:47PM
28 procure a job for Hakki Suleyman that did not require him 03:15:53PM
29 to turn up; that that was just Anthony Byrne's own 03:15:57PM

1 invention. 03:16:02PM
2 MR SOMYUREK: Mr Carr, I'm not willing to give the Suleymans an 03:16:03PM
3 inch in terms of - in terms of, you know, any favourable, 03:16:08PM
4 you know, assessments. But I can tell you on this 03:16:18PM
5 instance it might have been me saying that to them that 03:16:23PM
6 turned them around. Maybe that was the ask. But I can 03:16:28PM
7 tell you the conversation with Anthony was he said that, 03:16:31PM
8 'I don't want him anywhere near my office.' He admitted 03:16:36PM
9 that if you look at his transcripts; okay? 03:16:39PM
10 Now, I don't know when this was, before I spoke 03:16:42PM
11 to Byrne or after I spoke to Byrne. It could have been 03:16:45PM
12 the son said that to me and the father and the daughter 03:16:48PM
13 said, 'No, no, he's got to turn up to work.' But, 03:16:51PM
14 whatever happens, my conversation with Byrne was that he 03:16:57PM
15 said he didn't want him around; right? 03:16:59PM
16 And then I remember them insisting. I'm not 03:17:02PM
17 willing to cut the Suleymans any slack. I'm not happy 03:17:05PM
18 with them because of this incident; right? But Byrne said 03:17:08PM
19 it himself. He said he told them that he didn't want 03:17:11PM
20 Hakki around. He said that in his transcript. Look at 03:17:15PM
21 the transcripts. 03:17:18PM
22 MR CARR: You can understand I'm sure, Mr Somyurek, that on the 03:17:19PM
23 one end of this transaction we've got a message in which 03:17:26PM
24 you are saying to the Suleymans that they've asked for 03:17:31PM
25 their dad to work in Mr Byrne's office without having to 03:17:38PM
26 turn up, and the other end of the transaction is 03:17:41PM
27 Mr Byrne - and we know that in fact Mr Suleyman worked two 03:17:49PM
28 days a week in his office without having to turn 03:17:53PM
29 up - you're in the middle of this transaction and I want 03:17:58PM

to understand how it is that there's this understanding at 03:18:01PM
both ends of the transaction and yet you didn't have that 03:18:06PM
same understanding? 03:18:12PM
MR SOMYUREK: Because I recall having the conversation. 03:18:17PM
MR CARR: I tender that - sorry, we should read the rest of 03:18:22PM
the box so that you can see if there's anything you want 03:18:30PM
to - - - 03:18:37PM
MR SOMYUREK: I can't read it. The screen is right over the 03:18:55PM
writing. Can you please - is it possible to move the 03:18:59PM
writing up towards the left a bit more or move your 03:19:05PM
little - a bit more. A little bit more. A little bit 03:19:08PM
more. A little bit - a little tiny bit more. Fine. 03:19:10PM
Fine. 'To defeat Conroy', this is interesting. 'For your 03:19:17PM
father,' that was a little dig, yeah. Yep. What deal are 03:20:47PM
you referring to? 03:21:16PM
MR CARR: Now - - - 03:21:19PM
MR SOMYUREK: Are you saying there's a deal in that? 03:21:20PM
MR CARR: No, I was asking you - - - 03:21:22PM
MR SOMYUREK: I'm the sandwich in the middle. He did a deal 03:21:25PM
with Kimberley, the person that actually got the Senate 03:21:29PM
spot. I didn't involve myself in it; it wasn't my 03:21:34PM
business. And then Kimberley was with Conroy. But Hakki 03:21:37PM
didn't support - Hakki, his clan didn't support the Conroy 03:21:42PM
candidates. And then I think Conroy insisted that 03:21:47PM
Kimberley get rid of him. I'm not sure. It was just too 03:21:50PM
much of a muddle. I think that's what I'm talking about. 03:21:55PM
I'm not sure. But that had nothing to do with me. I'm 03:21:58PM
just the sandwich in the middle of this. But there was no 03:22:01PM
deal for me in any of this. I never got anything out of 03:22:08PM

any of this. Why are you saying there was a deal for me? 03:22:11PM
I can't - it doesn't even implicate me. 03:22:14PM
MR CARR: Commissioner, I tender that one text message. 03:22:18PM
COMMISSIONER: I just draw attention, Mr Somyurek, that you're 03:22:24PM
here talking about the war that's been declared on you. 03:22:30PM
Do you see that? 03:22:34PM
MR SOMYUREK: Yeah. 03:22:38PM
COMMISSIONER: This is not 2019. 03:22:39PM
MR SOMYUREK: No. 03:22:40PM
COMMISSIONER: This is March 2017. 03:22:42PM
MR SOMYUREK: Okay. Commissioner, can I give you a little bit 03:22:45PM
of background in that case? I wasn't going to - - - 03:22:48PM
COMMISSIONER: I just want to know does that indicate you're 03:22:51PM
timing is a bit askew in terms of the length of time 03:22:57PM
you've been engaged in a factional war? 03:23:00PM
MR SOMYUREK: Okay. So, Commissioner, at that stage 03:23:02PM
Stephen Conroy, in I think September or August 2016, 03:23:08PM
decided that he was going to leave the Senate; right? He 03:23:11PM
then took a position up - he was the power broker. He was 03:23:16PM
the big power broker of Victoria in the Right. And then 03:23:20PM
he decided that he was going to be a gaming lobbyist, a 03:23:25PM
gambling lobbyist. But he still wanted to be a factional 03:23:29PM
power broker; okay? 03:23:34PM
And he and I had a meeting. He wanted me to back 03:23:34PM
his successor into the Senate. Kimberley was a candidate 03:23:37PM
as well. And I told him at that point, 'I will not be 03:23:40PM
backing your successor in. You have become a lobbyist. 03:23:43PM
You have to disappear off the political landscape now. 03:23:46PM
You can't be a factional player and be a gambling lobbyist 03:23:49PM

at the same time.' So do you see what I'm saying? 03:23:53PM
I could have just supported Mr Conroy in his quest to 03:23:56PM
remain a power broker in the ALP. I said, 'No, I'm not 03:24:00PM
going to support you. It's the TW's pick. I'll support 03:24:04PM
the TW's candidate.' And the TW's candidate was Kimberley 03:24:09PM
Kitching. 03:24:15PM
Then Conroy declared war on me because he didn't 03:24:17PM
want to relinquish power in the factional system from 03:24:21PM
the position of being a lobbyist; okay? So I started this 03:24:25PM
- so he started to attack me within the party. This was 03:24:27PM
before the Left war. This is an internal war to get 03:24:29PM
Conroy out of the picture, because I thought he 03:24:32PM
wasn't - well, everyone thought, not just me, no-one 03:24:35PM
thought he should be involved from the position of being a 03:24:36PM
lobbyist. So, yeah, that's the war I'm referring to, 03:24:39PM
Commissioner. 03:24:43PM
COMMISSIONER: How did he - what was he doing in his war with 03:24:44PM
you? What was his conduct? 03:24:48PM
MR SOMYUREK: Well, he was - he was stacking, Jasvinder Sidhu 03:24:51PM
and all that, and then he started to stack in Ms Kairouz's 03:24:56PM
seat, right, to put pressure on Ms Kairouz, because 03:24:59PM
Ms Kairouz said, 'I won't be talking to him, you know, 03:25:05PM
because he's a gambling lobbyist.' 03:25:08PM
COMMISSIONER: And what were you doing? 03:25:12PM
MR SOMYUREK: Me? 03:25:12PM
COMMISSIONER: What were you doing in response? 03:25:13PM
MR SOMYUREK: In response to him? I had a unity ticket against 03:25:15PM
him with all the other Right elements. We had a consensus 03:25:17PM
that Stephen Conroy should not be involved in factional 03:25:21PM

1 politics in Victoria; not because they disliked him, it's 03:25:24PM
2 just that they all thought that there was a conflict of 03:25:28PM
3 interest to be a lobbyist - - - 03:25:31PM
4 COMMISSIONER: No, no, what I'm seeking to ascertain is he was 03:25:33PM
5 branch stacking against you and were you protecting 03:25:38PM
6 yourself by doing your own branch stacking? 03:25:41PM
7 MR SOMYUREK: No, no, we weren't branch stacking. He was - he 03:25:43PM
8 operates in the west. Okay, I'll tell you what the 03:25:48PM
9 corollary of this was. Sarah Connolly in Tarneit - 03:25:50PM
10 because this is all going to be relevant to you soon. So 03:25:54PM
11 I might as well start talking now about what the corollary 03:25:57PM
12 of Conroy attacking us was. 03:26:00PM
13 COMMISSIONER: I'm just trying to get clarification, 03:26:03PM
14 Mr Somyurek, as to whether or not when Mr Conroy declares 03:26:05PM
15 war, and you said he was branch stacking, what did you do 03:26:09PM
16 in response to deal with that? 03:26:13PM
17 MR SOMYUREK: We didn't stack against him. But he had - well, 03:26:18PM
18 nothing. I got support of the rest of the Right; okay? 03:26:23PM
19 I went to the rest of the Right faction, the subfactions, 03:26:26PM
20 and I made sure that I put a coalition against him so that 03:26:29PM
21 he couldn't manoeuvre and do much. He was isolated. So 03:26:33PM
22 his power was diminished. There was nothing he could do. 03:26:36PM
23 His power had been diminished to such an extent that it 03:26:39PM
24 didn't matter if he was waging war on me. We had him 03:26:48PM
25 under control. But at some stage, though, he started to 03:26:49PM
26 stack in Ms Kairouz's seat and that's when there was a 03:26:51PM
27 reaction against him. 03:26:54PM
28 COMMISSIONER: Yes. That will be exhibit 77. 03:26:58PM
29 03:27:02PM

1 #EXHIBIT 77 - Exhibit 118, text messages. 03:27:02PM
2 MR CARR: Can we please see exhibit 118, Commissioner. Can we 03:27:04PM
3 scroll down to the messages and you'll see that these 03:27:24PM
4 don't have dates on them because they were deleted from 03:27:29PM
5 your phone. You can see the first one, 'Mate I need this 03:27:34PM
6 Hakki thing done you need to move on someone if you don't 03:27:39PM
7 have room it's a core issue very important you are the 03:27:42PM
8 only federal MP we have.' Now, let's just have a little 03:27:46PM
9 more context. You'd sought to employ Hakki Suleyman in 03:27:54PM
10 your own electorate office in 2016, hadn't you? 03:28:02PM
11 MR SOMYUREK: Yeah. 03:28:06PM
12 MR CARR: And the Department of Parliamentary Services had 03:28:06PM
13 indicated to you that they would not employ him in the 03:28:11PM
14 state system? 03:28:17PM
15 MR SOMYUREK: Yeah. 03:28:17PM
16 MR CARR: And directing you that you could not employ him to 03:28:18PM
17 undertake paid work in your electorate office? 03:28:21PM
18 MR SOMYUREK: Yeah, and we blamed - that's true, and we blamed 03:28:25PM
19 Telmo Languiller being directed by Stephen Conroy for 03:28:30PM
20 that. 03:28:34PM
21 MR CARR: Well, that wasn't what you were told by the 03:28:34PM
22 Department of Parliamentary Services, was it? 03:28:37PM
23 MR SOMYUREK: No, it was Bruce Atkinson, and we thought Bruce 03:28:39PM
24 and Telmo went around the world together and they were 03:28:42PM
25 quite sort of happy. There was a good little 03:28:45PM
26 relationship. So we thought he was doing his dirty work 03:28:49PM
27 for him. 03:28:52PM
28 MR CARR: They told you that the department had obtained legal 03:28:54PM
29 advice in relation to legal risks relating to employing 03:28:58PM

Mr Suleyman and that on the basis of that legal advice 03:29:02PM
that they would not employ him; does that ring a bell? 03:29:08PM
MR SOMYUREK: It does, but that legal advice was checked and 03:29:13PM
found that all Hakki had done - like I said, I've got a 03:29:16PM
dark view of him, I'm not protecting them, but there was 03:29:22PM
some legal advice that said that he was pursuing his legal 03:29:25PM
rights and he wasn't sort of - because he took parliament 03:29:28PM
to court, as I understand it, and he got some compensation 03:29:32PM
and he cannot be, apparently - you guys are lawyers, not 03:29:36PM
me, and I'm working off memory - that he could not be 03:29:40PM
discriminated against for pursuing his legal rights, was 03:29:43PM
the legal advice that they got back as I recall. 03:29:46PM
MR CARR: You got a letter on 22 December - dated 22 December 03:29:56PM
2016 indicating that the presiding officers on the basis 03:30:00PM
of legal advice would not employ Mr Suleyman, as you'd 03:30:11PM
requested; correct? 03:30:14PM
MR SOMYUREK: Yes. 03:30:16PM
MR CARR: Okay. So that's why you needed him to be employed in 03:30:16PM
Mr Byrne's office, because he was a federal MP; correct? 03:30:23PM
MR SOMYUREK: Yes, I've said that in shorthand. Yes. 03:30:27PM
COMMISSIONER: The presiding officers being those that would 03:30:32PM
employ an electoral officer if they saw no problem? 03:30:35PM
MR SOMYUREK: Yes. It's unprecedented for them to intervene at 03:30:40PM
all. That's why I thought it was - and when the legal 03:30:48PM
advice came back from them that it's actually not correct, 03:30:50PM
that's why I just thought it was Telmo, because Telmo 03:30:53PM
Languiller is Stephen Conroy's sort of man, you know, so 03:30:56PM
we thought it was Telmo doing a favour - Bruce doing a 03:31:01PM
favour for Telmo, is what we assumed. 03:31:04PM

1 MR CARR: Let's just have a look at these messages back and 03:31:10PM
2 forth. If we can just scroll through them so that you can 03:31:15PM
3 read them. 03:31:21PM
4 MR SOMYUREK: Can I just read that, please? That's important. 03:31:41PM
5 Yep, that's my nonsense talk. Anyway. Okay. 03:31:51PM
6 MR CARR: Now, I'd just like you to keep going because I want 03:32:26PM
7 to give you the context and when we get to the point where 03:32:29PM
8 I want to ask you a question, I'll indicate? 03:32:32PM
9 MR SOMYUREK: Yeah, it just - yeah, it just brings it all back 03:32:55PM
10 and I'm getting angry as I read it. Yeah, sorry, I've 03:32:58PM
11 gone in harder than I thought, to be honest, Mr Carr. 03:33:19PM
12 MR CARR: Let's just make sure we characterise it correctly 03:33:22PM
13 then. You put a lot of pressure on Mr Byrne. 03:33:25PM
14 MR SOMYUREK: Yes, I did, yeah, and that's why I've been really 03:33:27PM
15 angry with him because I know it put pressure - that's not 03:33:29PM
16 my relationship with Mr Byrne at all. So, you know, yeah. 03:33:33PM
17 And that was probably the only time I could remember ever 03:33:36PM
18 being like that with him. 03:33:40PM
19 MR CARR: Let's scroll down a little further. Now, you can see 03:33:43PM
20 that message. You will have just read it at the top of 03:34:01PM
21 the screen. 'There's a poaching war that he started by 03:34:04PM
22 poaching the Suleymans - he's feeling the heat as is 03:34:07PM
23 Conroy. I need this locked in. That is my only 03:34:11PM
24 weakness - it has to happen.' Now, that's a reference to 03:34:15PM
25 poaching branch stackers; correct? 03:34:22PM
26 MR SOMYUREK: I'm just trying to think of the - I'm just trying 03:34:29PM
27 to - can I just tell you, by the way, the Suleymans 03:34:32PM
28 weren't mine, they were the AWU's, right? But even then 03:34:35PM
29 I'm trying to hold a bigger coalition together, and at 03:34:40PM

that moment the Left had also split and so we were about 03:34:43PM
to put the IL Rights deal together and these guys have got 03:34:50PM
two votes of their own, this clan, the Suleyman clan. 03:34:57PM
Like I said, the Suleymans weren't my votes. I would 03:35:00PM
never have them in my - they're too transactional. 03:35:03PM
I wouldn't want them in my group. But the brother worked 03:35:05PM
with the TWU and he was causing all types of instability 03:35:09PM
there. That's why I had to send that message to Berger. 03:35:12PM
So it wasn't from me. This is what I'm trying to say. 03:35:15PM
MR CARR: Sorry, Mr Somyurek, just let me understand. You say, 03:35:21PM
'I need this locked in. That is my only weakness - it has 03:35:28PM
to happen.' Now, you're talking about your need, that 03:35:33PM
it's your only weakness and it has to happen? 03:35:44PM
MR SOMYUREK: Mr Carr, I know what you're thinking, but I'm the 03:35:51PM
architect of this deal now, okay, with the IL. Where are 03:35:53PM
we now? What date? Yeah, it's got to be relevant to the 03:35:58PM
IL. And what's that date again? What's the date on it? 03:36:01PM
Yeah. Yes, it is, it's the IL deal. Right when the IL 03:36:04PM
deal is getting signed with the unions that came across, 03:36:09PM
that split from the Left, okay? Just when all of - the 03:36:13PM
job was to make sure that all the Right - look, the real 03:36:16PM
difficulty, I needed to make sure that all the Right 03:36:21PM
unions held together. They normally don't. For the last 03:36:23PM
decade they weren't holding together, and then the IL were 03:36:25PM
splitting from the Left, we were putting together a new 03:36:32PM
deal. Nothing to do with me. It's a collective thing for 03:36:34PM
the new deal, right? Not me personally. I was - - - 03:36:37PM
MR CARR: Can I just ask you to address your mind to that 03:36:40PM
proposition that this is not about you personally, this is 03:36:45PM

1 just about the broader benefit of the Right. Can I just 03:36:48PM
2 ask you to pay attention to the language you've used, 03:36:51PM
3 'I need this locked in. This is my only weakness. It has 03:36:57PM
4 to happen. I am going to win the war and it will be the 03:37:01PM
5 end of Marles and Conroy.' That's not the language of 03:37:06PM
6 someone who is concerned about some general coalition; 03:37:11PM
7 that's the language of a man who is concerned with himself 03:37:22PM
8 winning, isn't it, Mr Somyurek? 03:37:28PM
9 MR SOMYUREK: The pronoun 'I' shouldn't have been there as 03:37:33PM
10 much, I agree. But I'm talking to a mate that probably 03:37:36PM
11 doesn't care too much about the overall, you know, the 03:37:39PM
12 overall factional things. He is a regional person. He's 03:37:43PM
13 the boss of the south-east. He probably doesn't care. He 03:37:50PM
14 doesn't take that much of an interest in the higher 03:37:54PM
15 factional activities, so I'm appealing to him from 03:37:56PM
16 personal loyalty. If I said, 'Mate, I'm putting the Right 03:38:00PM
17 together. We've all done this, we've done that, and we've 03:38:05PM
18 put the Right together, we have then split the Left, we 03:38:08PM
19 have this new big alliance,' it doesn't appeal to his 03:38:13PM
20 emotional strings as 'I', 'Please do this for me.' What 03:38:18PM
21 will appeal to Byrne is about personal loyalty to me. So 03:38:20PM
22 I'm putting it in my personal context, perspective. 03:38:24PM
23 MR CARR: So you were consciously making it seem almost - 03:38:28PM
24 perhaps this is too pejorative - but megalomaniacal to 03:38:33PM
25 appeal to Mr Byrne, not because you felt that way? 03:38:37PM
26 MR SOMYUREK: He would - he would be saying to me, if I say, 03:38:42PM
27 'Mate, the Right needs this and the alliance need this,' 03:38:46PM
28 he would said, 'Mate, why do you care?' Right? So the 03:38:49PM
29 fact is, Mr Carr, no one can doubt this and I can't sort 03:38:53PM

of distance myself from it. I was the architect of it. 03:38:57PM
You know, I'm not saying how - I'm not trying to say that 03:39:00PM
I was influential or whatever. You just can't move away 03:39:04PM
from that. I was the architect of the alliance and 03:39:07PM
architect of the unity - the unions coming together. Now, 03:39:10PM
in terms of power, do I get any power from it? No. I've 03:39:14PM
got plenty of headaches. And this is where I am now, 03:39:20PM
because of all of that. So, yes, I was putting it in the 03:39:24PM
context of me in my personal interest, because if I had 03:39:28PM
talked about us collectively, Byrne would have just said, 03:39:32PM
'Oh, mate, what do you care about all that for? Don't 03:39:36PM
worry about it.' 03:39:40PM
MR CARR: I take it the remainder of the messages are you 03:39:42PM
following up to ensure the employment takes place. I take 03:39:46PM
it you accept that took place and I don't need to take you 03:39:53PM
through the messages? 03:39:56PM
MR SOMYUREK: No, I accept that, yeah. 03:39:59PM
MR CARR: I tender those pages 1 through 3, Commissioner. 03:40:02PM
COMMISSIONER: You don't have a date, do you, for these, 03:40:09PM
Mr Carr? 03:40:14PM
MR CARR: No, I don't, Commissioner. 03:40:15PM
COMMISSIONER: So the texts between Mr Somyurek and Mr Byrne? 03:40:17PM
MR SOMYUREK: It would have been early February. It would have 03:40:22PM
been early 2017. 03:40:24PM
COMMISSIONER: And who deleted them? 03:40:28PM
MR CARR: They were deleted from Mr Somyurek's phone. 03:40:32PM
COMMISSIONER: Why did you do that, Mr Somyurek? 03:40:36PM
MR SOMYUREK: Accidentally. Believe me I wouldn't have wanted 03:40:40PM
to. But I still kept copies of them. It wasn't because 03:40:42PM

of IBAC. There was no relation to IBAC. It was just 03:40:45PM
I accidentally deleted some messages. 03:40:51PM
COMMISSIONER: Yes, Mr Carr. 03:40:55PM
03:40:57PM
#EXHIBIT 78 - Text messages between Mr Somyurek and Mr Byrne, 03:40:18PM
pp1-3. 03:41:00PM
MR CARR: Could we look at exhibit 90, please, Commissioner? 03:41:00PM
MR SOMYUREK: Commissioner - no, the Commissioner needs to know 03:41:04PM
this, Mr Carr. Commissioner? 03:41:07PM
COMMISSIONER: Yes? 03:41:09PM
MR SOMYUREK: I didn't try to do away with those messages. 03:41:10PM
I myself took photos of those messages. Do you understand 03:41:13PM
what I'm saying? I kept those messages on my phone in my 03:41:17PM
photo album. I'm wasn't trying to hide them from IBAC is 03:41:22PM
what I'm saying to you. 03:41:25PM
COMMISSIONER: Yes, I follow. Thank you. 03:41:26PM
MR CARR: Now, this is a message in the middle of the next year 03:41:27PM
- sorry, the next year, 2018, you to Natalie Suleyman, 03:41:35PM
'Whatever happens your dad's job is part of the deal.' 03:41:40PM
MR SOMYUREK: Okay. 03:41:43PM
MR CARR: To which she responds, 'Not the issue.' 03:41:44PM
MR SOMYUREK: So when is that? It's very important that I get 03:41:49PM
a better understanding if I'm able to - - - 03:41:52PM
MR CARR: 13 July 2018. There's another deal involving 03:41:56PM
employment for Hakki Suleyman; correct? 03:42:02PM
MR SOMYUREK: Yeah, it depends on where he ended up. That 03:42:14PM
might be ended up back at - okay, now I think I'm getting 03:42:17PM
somewhere. Okay, okay, okay. All right. 03:42:26PM
MR CARR: There's another deal involving a job for Hakki 03:42:29PM

1 Suleyman; correct? 03:42:34PM
2 MR SOMYUREK: No, but I need to explain. I need to explain. 03:42:34PM
3 I'm not sure that it was written down, but that's not a 03:42:40PM
4 deal with me. I don't think it's a written deal. I think 03:42:44PM
5 it's the SDA going to Fraser, getting Fraser. I think 03:42:47PM
6 they wanted her dad - because Fraser is their turf, okay? 03:42:52PM
7 So that was between the SDA and the Suleyman clan, not me. 03:42:57PM
8 MR CARR: And you're brokering the deal, are you? 03:43:00PM
9 MR SOMYUREK: I'm not brokering the deal. It's the whole 03:43:02PM
10 Right. 03:43:06PM
11 MR CARR: But, hold on, you're the one telling Natalie Suleyman 03:43:06PM
12 that her dad's job is part of the deal. You must be 03:43:10PM
13 involved in the deal somehow to be communicating that 03:43:13PM
14 information? 03:43:16PM
15 MR SOMYUREK: Okay. The deal was at a higher level things, you 03:43:19PM
16 know. I'm giving away all these factional things now. 03:43:27PM
17 They're in my book anyway, so you're lucky I actually 03:43:30PM
18 remember all of this. So, Mr Carr, there was a 03:43:36PM
19 redistribution, Fraser was created, and that was a new 03:43:38PM
20 seat. Jane Garrett had been deselected, had lost her 03:43:47PM
21 preselection in her seat, and we were taking the 03:43:52PM
22 opportunity to solve a few issues in the Right at that 03:44:03PM
23 time. Daniel Mulino went from eastern Victoria to Fraser. 03:44:07PM
24 Jane went to eastern Victoria. 03:44:19PM
25 MR CARR: Perhaps we don't need the details of the deal, 03:44:24PM
26 Mr Somyurek? 03:44:28PM
27 MR SOMYUREK: Okay. 03:44:28PM
28 MR CARR: Such as the fact that there obviously was a deal that 03:44:29PM
29 involved Hakki Suleyman getting a job. 03:44:36PM

1 MR SOMYUREK: And that deal then would have been - because 03:44:42PM
2 these are the high level things. That deal would have 03:44:44PM
3 been between the SDA and Mr Suleyman himself, okay? Not 03:44:46PM
4 me. I'm reporting it. 03:44:51PM
5 MR CARR: You're obviously somehow involved in the negotiations 03:44:53PM
6 for the deal that results in Hakki Suleyman getting a job? 03:44:58PM
7 MR SOMYUREK: I can assure you, Mr Carr, Hakki Suleyman was not 03:45:04PM
8 on our number one priority on our list. There were a lot 03:45:07PM
9 of pressing issues to resolve. But obviously 03:45:11PM
10 from - I mean, if I hadn't seen this I wouldn't - 03:45:14PM
11 obviously it seems that a part of that was that the SDA or 03:45:16PM
12 Mulino was going to take on Hakki. I have no specific 03:45:22PM
13 recollection, but that's what it would have been about, 03:45:26PM
14 and it's not a deal between me. That's just between them. 03:45:29PM
15 MR CARR: It's a deal which, leave aside whether you got a 03:45:32PM
16 benefit from it or not, it's a deal that involves 03:45:36PM
17 employment as an electorate officer for Hakki Suleyman; is 03:45:40PM
18 that right? 03:45:44PM
19 MR SOMYUREK: Yes, but the deal cannot involve me because I'm 03:45:45PM
20 not - I can't be involved in it. Hakki's got the numbers 03:45:48PM
21 in Fraser and the SDA want Fraser. So how can that 03:45:51PM
22 involve me at all? 03:45:56PM
23 MR CARR: I tender - - - 03:46:03PM
24 MR SOMYUREK: They would have agreed to then take on Hakki 03:46:05PM
25 Suleyman and - yeah. So there's no deal with me in terms 03:46:08PM
26 of that. 03:46:12PM
27 COMMISSIONER: 79. 03:46:13PM
28 03:46:14PM
29 #EXHIBIT 79 - Exhibit 90, text message from Mr Somyurek to 03:46:15PM

Ms Suleyman 03:46:16PM

MR CARR: Can we look next at exhibit 427, please. 03:46:16PM

COMMISSIONER: How are you feeling, Mr Somyurek? Would you like to have a short break? 03:46:22PM 03:46:25PM

MR SOMYUREK: No, I'm - what time are we finishing up? 4.30? 03:46:26PM

COMMISSIONER: That was the intention. Would you like to have a five minute break? 03:46:32PM 03:46:34PM

MR SOMYUREK: Yeah, let's have a five minute break, thanks. 03:46:36PM

COMMISSIONER: Thank you. 03:46:39PM

(Short adjournment.) 03:46:39PM

COMMISSIONER: Yes, Mr Carr. 03:56:37PM

MR CARR: Thank you, Commissioner. Could we look at exhibit 427, please, Commissioner. Now, this is another time sheet for Salazar Youhorn signed by you, Mr Somyurek? Yes? I'm sorry, you're on mute, Mr Somyurek. 03:56:38PM 03:56:42PM 03:56:50PM 03:57:02PM

MR SOMYUREK: Yep. 03:57:11PM

MR CARR: Okay. This is a time sheet signed by you for Salazar Youhorn? 03:57:11PM 03:57:16PM

MR SOMYUREK: Must be. 03:57:19PM

MR CARR: If we just scroll down we can see the second date you've signed for is that he was working at your - working from home on - working on a project on 18 June 2020 from 9 am to 5.06 pm; do you see that? 03:57:19PM 03:57:26PM 03:57:36PM 03:57:44PM

MR SOMYUREK: So what is it? Yeah, yeah, yeah. So that's during lockdown? 03:57:52PM 03:57:56PM

MR CARR: You can see 'Working from home: COVID-19'? 03:57:59PM

MR SOMYUREK: That's right. Yep, yep, yep. 03:58:03PM

MR CARR: All right. Let's scroll down and see your signature there? 03:58:04PM 03:58:13PM

1 MR SOMYUREK: Yep. 03:58:13PM
2 MR CARR: Let's scroll down to the next page, please, and see 03:58:14PM
3 what Meng Heang Tak - you can keep scrolling, 03:58:24PM
4 please - signs for Salazar Youhorn doing on 18 June 03:58:30PM
5 between nine and five. According to Meng Tak, and we can 03:58:36PM
6 scroll down and see his signature, Mr Youhorn is in fact 03:58:48PM
7 working for him doing data processing and office admin on 03:58:54PM
8 18/6 between 9 am and 5 pm. Now, you've seen those two 03:59:04PM
9 time sheets, Mr Somyurek? 03:59:11PM
10 MR SOMYUREK: I have, yes. 03:59:12PM
11 MR CARR: And what you can see is that Meng Tak has claimed 03:59:13PM
12 that Mr Youhorn was working for him and has been a little 03:59:22PM
13 specific about the work being done - - - 03:59:27PM
14 MR SOMYUREK: M'hmm. 03:59:29PM
15 MR CARR: Between nine and five on that day, and yet you have 03:59:29PM
16 also signed for him to be paid by the taxpayer for that 03:59:35PM
17 entire day out of your budget as well. Now, obviously 03:59:40PM
18 enough he wasn't doing two shifts simultaneously between 03:59:49PM
19 nine and five on that day? 03:59:58PM
20 MR SOMYUREK: Yep. 04:00:00PM
21 MR CARR: Now, is it a case that this is an indication of your 04:00:00PM
22 lack of attention to whether people were turning up to 04:00:12PM
23 your electorate office? 04:00:18PM
24 MR SOMYUREK: It's a little bit more difficult because it was 04:00:24PM
25 COVID-19. But if I can just say - can I ask one question 04:00:27PM
26 for you? He was on one day a week in my office. Was it 04:00:30PM
27 the regular day that I got that he's meant to be in my 04:00:39PM
28 office or was the day wrongly marked as some other day? 04:00:43PM
29 Do you see what I'm saying? 04:00:47PM

1 COMMISSIONER: You might go back up to Mr Somyurek's records. 04:00:49PM
2 MR CARR: You can see that there will be seven days between the 04:00:51PM
3 two dates? 04:00:55PM
4 MR SOMYUREK: So what day is that? He will be on that day 04:00:57PM
5 every week. What day is that? What's 11/6? It doesn't 04:01:03PM
6 matter. If it's a Tuesday, he would be in my office 04:01:07PM
7 Tuesday, so it will be automatically, yes. Then 04:01:09PM
8 they've - what might have happened, if they needed him in 04:01:12PM
9 that office - there's obviously a confusion, right? 04:01:16PM
10 There's seven days between those days, but what I'm saying 04:01:25PM
11 is is he on that particular day all the time? Is that a 04:01:29PM
12 Tuesday or a Wednesday and he's on every Wednesday at my 04:01:32PM
13 office? So maybe there was a request being told to 04:01:34PM
14 someone - maybe someone said something to someone in my 04:01:37PM
15 office that he's going to be in Heang's office, so he 04:01:39PM
16 should be doing another day for my office. There might 04:01:43PM
17 have been a bit of a confusion like that. I can't see 04:01:45PM
18 anything sinister in it. If it was six days, if he ended 04:01:48PM
19 up on six days of employment, there would have been 04:01:51PM
20 something sinister, but - yeah. 04:01:53PM
21 MR CARR: Let's leave aside the loaded word 'sinister'. There 04:01:56PM
22 are two MPs both signing time sheets saying, 'This man's 04:02:05PM
23 worked in my office on these days,' and if we look at the 04:02:11PM
24 second one, which is not yours, it's handwritten, there's 04:02:20PM
25 some detail of what's being done: data processing, office 04:02:26PM
26 admin. It seems that the second one might be more 04:02:35PM
27 accurate perhaps because there are some particular details 04:02:41PM
28 identified; do you see that? 04:02:46PM
29 MR SOMYUREK: Yep. 04:02:52PM

1 MR CARR: And so what that suggests, and it's not by any means 04:02:53PM
2 conclusive, but what it suggests is that you've signed a 04:02:59PM
3 time sheet for Mr Youhorn to be paid for work he did in 04:03:04PM
4 your office that he didn't in fact do. 04:03:08PM
5 COMMISSIONER: Mr Carr, I don't think it's suggested it was in 04:03:14PM
6 Mr Somyurek's office. 04:03:18PM
7 MR CARR: No, Commissioner, you're right. I apologise. 04:03:19PM
8 Working from home, but for your office? 04:03:24PM
9 MR SOMYUREK: Mr Carr, obviously - I would like to say that, 04:03:28PM
10 given the previous mistake, I mean, he is working from 04:03:41PM
11 home. I would like to say that it's more difficult to 04:03:44PM
12 keep tabs on him because he's at home, but obviously I'm 04:03:48PM
13 not going to say that because I wasn't doing a good job of 04:03:51PM
14 keeping tabs on my employees when they were in the office 04:03:54PM
15 anyway, so that would be your obvious retort. But I can 04:03:58PM
16 see how a problem happened where he was meant to be at 04:04:01PM
17 home, but then he - he couldn't have gone into Heang's 04:04:04PM
18 office, could he? Are we in lockdown? Can you see - what 04:04:11PM
19 does it say, that he was in the office for Heang? Can you 04:04:14PM
20 please go down a bit? If we're in lockdown, both the 04:04:18PM
21 officers should have been working from home then. Can you 04:04:26PM
22 please go down? It will say whether he was working from 04:04:29PM
23 home or not for Heang. 04:04:32PM
24 MR CARR: It's a different format, so it doesn't have the 04:04:35PM
25 information that you're looking for, Mr Somyurek. 04:04:37PM
26 MR SOMYUREK: So in theory he was at home working for two 04:04:39PM
27 offices. 04:04:42PM
28 COMMISSIONER: Mr Youhorn, he was an electoral officer of 04:04:46PM
29 yours? 04:04:53PM

1 MR SOMYUREK: Yeah. Yes. 04:04:55PM
2 MR CARR: Was he doing factional work? 04:04:56PM
3 MR SOMYUREK: No, he wasn't. He wasn't, Commissioner. 04:04:59PM
4 MR CARR: We've already covered that because he's the gentleman 04:05:04PM
5 that we had the message from Peter Davis earlier - - - 04:05:08PM
6 MR SOMYUREK: Yes, sorry, sorry. Sorry, I got the wrong 04:05:12PM
7 person, sorry. No, no, no, no. 04:05:15PM
8 MR CARR: He was doing factional work - - - 04:05:17PM
9 MR SOMYUREK: He is a part of - sorry, I got him mixed up for a 04:05:19PM
10 second with Wickiramsingham. For some reason - he doesn't 04:05:23PM
11 do factional work, right? Yeah, so he's part of the 04:05:28PM
12 Cambodian clique and they do, you know, they've got 04:05:33PM
13 numbers in the party, so let's just put it that way. 04:05:37PM
14 I can't explain it, Mr Carr. Both officers should have 04:05:42PM
15 been in lockdown. So it wasn't a case of Mr Heang's 04:05:46PM
16 office - Mr Tak's office being open and mine not. He 04:05:53PM
17 would have been sitting at home working for both of us. 04:05:55PM
18 Obviously there's a logistical problem. 04:06:03PM
19 COMMISSIONER: What sort of work would he be doing for you at 04:06:06PM
20 home? 04:06:09PM
21 MR SOMYUREK: During lockdown? Probably not much, to tell you 04:06:12PM
22 the truth, and that was the dilemma I had. That's why, 04:06:16PM
23 yeah, I had a dilemma like that, so I called the 04:06:19PM
24 president. I've got that in SMS format, because I didn't 04:06:22PM
25 want to close the office down and they said, 'You have 04:06:26PM
26 to,' and I said I wanted that in writing off the president 04:06:28PM
27 and the president texted me and said, 'You can work from 04:06:30PM
28 home,' because I said - yeah. 04:06:33PM
29 MR CARR: Now, the one thing that you absolutely have to do if 04:06:39PM

1 you are working from home as an electorate officer during 04:06:47PM
2 lockdown is log in; correct? You're nodding. We just 04:06:51PM
3 need an audible answer. 04:06:57PM
4 MR SOMYUREK: Yes. 04:06:58PM
5 MR CARR: All right. I tender that document, Commissioner. 04:06:58PM
6 COMMISSIONER: 80. 04:07:03PM
7 04:07:04PM
8 #EXHIBIT 80 - Exhibit 427, document. 04:07:04PM
9 MR CARR: Dr Haraco on 20 May, 27 May, 3 June, 10 June, 17 June 04:07:05PM
10 was identified as working from home in your electorate 04:07:21PM
11 office and paid for a full day of work, and on none of 04:07:28PM
12 those days did he even so much as log in to his computer. 04:07:36PM
13 Now, that suggests that whatever he might have been doing, 04:07:48PM
14 it certainly wasn't electorate office work that he was 04:07:52PM
15 paid for on those days, doesn't it? 04:07:55PM
16 MR SOMYUREK: I don't know who's answering the phones, but yes. 04:08:04PM
17 The whole notion of working from home was going to be 04:08:07PM
18 problematic for quiet offices. It was just going to be 04:08:09PM
19 very problematic, let's be clear. 04:08:13PM
20 MR CARR: So problematic that an electorate officer might not 04:08:16PM
21 even bother logging in to their computer? 04:08:21PM
22 MR SOMYUREK: I would have done it. I would have at least 04:08:35PM
23 logged in. I can understand they're probably thinking 04:08:37PM
24 there's not much work that's going to come out of this, 04:08:40PM
25 but they should have at least logged in; you're right. 04:08:43PM
26 MR CARR: Did you have any concerns that he might not be 04:08:48PM
27 logging in? 04:08:50PM
28 MR SOMYUREK: No, sorry, we were looking at - I was concerned 04:08:50PM
29 at the start and I wouldn't shut my office down, and I got 04:08:55PM

1 a call from the president to say, 'Mate, you've got to 04:09:04PM
2 shut your office down. Everyone else is shut down.' 04:09:07PM
3 I said, 'Look, as far as I'm concerned my criteria for 04:09:11PM
4 people working is that they come into the office and 04:09:14PM
5 I don't feel right if people aren't coming in.' Don't 04:09:16PM
6 forget this is before COVID. Now there's a sort of a 04:09:19PM
7 culture of people working from home. But the way it sat 04:09:22PM
8 with me, and I was conscious that I don't have a busy 04:09:26PM
9 office, so for me psychologically they had to be in the 04:09:28PM
10 office and that justifies - that's a rationalisation I use 04:09:31PM
11 for people, whether there's work or not, that they 04:09:37PM
12 actually come into the office. So I resisted that change 04:09:40PM
13 because I knew if there's not much work, what are they 04:09:45PM
14 going to do at home? There's not going to be much work to 04:09:49PM
15 be done. So I was resisting to that and I wouldn't shut 04:09:52PM
16 it down until the president gave me a - texted me. But 04:09:55PM
17 I doubt there was much - you know, I wouldn't have thought 04:10:04PM
18 there was much work done, yes. He should have logged on. 04:10:07PM
19 They should at least log on. You're getting paid, so at 04:10:10PM
20 least bloody log on, you know. 04:10:12PM
21 MR CARR: So let me ask you again the question that elicited 04:10:14PM
22 that long answer: were you concerned about whether 04:10:17PM
23 Dr Haraco was logging on? 04:10:25PM
24 MR SOMYUREK: No. I wasn't - I didn't think about it. But, 04:10:26PM
25 yeah. 04:10:32PM
26 MR CARR: All right. 04:10:32PM
27 MR SOMYUREK: Can you please answer this question: were the 04:10:33PM
28 others logged on? 04:10:35PM
29 MR CARR: We're dealing with Dr Haraco and I want you to pay 04:10:36PM

1 attention to the questions, please, Mr Somyurek. There 04:10:41PM
2 was a time, wasn't there, when you in June of 2020 became 04:10:44PM
3 apprehensive that IBAC might be listening to your phone 04:10:59PM
4 calls? 04:11:02PM
5 MR SOMYUREK: After the 60 Minutes program, yes, of course. 04:11:06PM
6 MR CARR: And you became very careful about what you said on 04:11:08PM
7 the phone, didn't you? 04:11:11PM
8 MR SOMYUREK: Well, I was conscious of being listened to, yeah. 04:11:17PM
9 MR CARR: Can we play TI47, please. 04:11:20PM
10 (Audio recording played to the Commission.) 04:11:43PM
11 MR CARR: Can we go back to p1 of the transcript, please, 04:13:37PM
12 line 7. 'Hussein' is Dr Haraco; correct? 04:13:44PM
13 MR SOMYUREK: Yeah. Yeah, yeah, yeah. 04:13:51PM
14 MR CARR: Now, what you're saying is Dr Haraco's got to be 04:13:54PM
15 careful of everything. 'I need him really careful. The 04:14:05PM
16 work, you know, everything. Make sure he logs in.' And 04:14:14PM
17 at this time you are very conscious that this phone call 04:14:21PM
18 might be listened to; correct? 04:14:26PM
19 MR SOMYUREK: Yeah, obviously, yeah. 04:14:31PM
20 MR CARR: And in as subtle a way as you can, you are asking 04:14:33PM
21 Mr Garotti to get a message to Dr Haraco that he needs to 04:14:42PM
22 start logging in; correct? 04:14:48PM
23 MR SOMYUREK: I don't think I need to be subtle. I could just 04:14:55PM
24 ring him and say that. It will be just reinforcement from 04:14:58PM
25 Rick to be on his back about it. But, you know, I don't 04:15:02PM
26 need to be subtle. I don't need to be going around IBAC, 04:15:09PM
27 if that's what you're saying. I could just ring him and 04:15:13PM
28 say, 'Mate, you've got to log in.' Is that the start of 04:15:16PM
29 the call? Did I just launch into that, did I? Can I have 04:15:19PM

1 a look at the context again, please? 04:15:24PM
2 MR CARR: You can see the start of the call there. 04:15:28PM
3 MR SOMYUREK: So I just launched - yeah. 04:15:34PM
4 MR CARR: Now, it's obvious, I suggest to you, that you at 04:15:36PM
5 least apprehended, if not knew, that there was no way 04:15:44PM
6 Dr Haraco was actually doing any real work? 04:15:49PM
7 MR SOMYUREK: When he was at home? 04:15:55PM
8 MR CARR: Yes. And that's what prompted you to contact 04:15:56PM
9 Mr Garotti to get this message to Dr Haraco, isn't it? 04:16:08PM
10 MR SOMYUREK: Yeah, it's just difficult to tell. Did I get a 04:16:14PM
11 general paranoia about everything at that point? Like, am 04:16:18PM
12 I then trying to work out what these guys did in my 04:16:22PM
13 office? I don't know. I don't know. I would have 04:16:25PM
14 thought there would be plenty of latitude because they 04:16:28PM
15 were working from home. Is it me now checking in and 04:16:32PM
16 making sure to see what people are up to, you know, what 04:16:36PM
17 they've been doing because of the investigation? I can't 04:16:40PM
18 be clear. I can guess. I'm not sure; I would have 04:16:45PM
19 thought there was plenty of latitude for working from home 04:16:50PM
20 and it's more about when you're in the office. But, 04:16:54PM
21 look - - - 04:17:00PM
22 MR CARR: The one thing that would have been completely clear 04:17:00PM
23 to you because we've already covered it is that the bare 04:17:05PM
24 minimum is that someone needs to log in, and that's what 04:17:12PM
25 you're covering off on with Dr Haraco here, isn't it? 04:17:18PM
26 MR SOMYUREK: That's not an instruction anyone's given me, but 04:17:24PM
27 I've probably - I've got to tell you, Mr Carr, I'm just 04:17:27PM
28 speculating on what my - you know, I'd be speculating. 04:17:33PM
29 I can't remember what I had in my mind at that point in 04:17:38PM

time. 04:17:40PM

MR CARR: Let me see if this refreshes your memory or helps with what might have been in your mind? 04:17:40PM 04:17:44PM

MR SOMYUREK: Yep. 04:17:46PM

MR CARR: You certainly didn't want anyone knowing that there was no real electorate office work being done in your electorate office, did you? 04:17:47PM 04:17:56PM 04:18:01PM

MR SOMYUREK: Upper House electoral offices are pretty clear; it doesn't matter what you say. There will be data available on what goes in, what goes out. Anyway, what have you got for me? 04:18:08PM 04:18:12PM 04:18:15PM 04:18:20PM

MR CARR: This is you wanting to prevent there being too much of a trail of data indicating the reality of operations of your electorate officers; isn't that right? 04:18:29PM 04:18:37PM 04:18:46PM

MR SOMYUREK: Mr Carr, when IBAC goes into somewhere they're going to get everything, right? Everything, right? All your text messages, they'll go to the server. You delete something from your computer, you've got to assume they get everything, okay? You can't hide. I've known this from the start. You can't think that you're hiding anything. They'll get it, right? I'm not technologically savvy and my assumption is that IBAC's going to go and find any document it wants or find documents that I didn't even know existed. So that's why I've got no doubt that we're not going to be hiding anything from IBAC. 04:18:50PM 04:18:53PM 04:18:57PM 04:19:00PM 04:19:03PM 04:19:07PM 04:19:09PM 04:19:13PM 04:19:18PM 04:19:24PM 04:19:27PM

COMMISSIONER: I wish that were true, Mr Somyurek. You'd be surprised how limiting the legislation is. 04:19:31PM 04:19:34PM

MR SOMYUREK: Right. Okay. That was my view anyway, Commissioner. I just assumed you guys have got 04:19:38PM 04:19:42PM

everything. So it wouldn't be - some of it is not 04:19:45PM
as technical - I'm just not tech savvy too. I wasn't 04:19:49PM
going to pretend that I could - yeah, you can't get away 04:19:53PM
from it. 04:19:56PM
COMMISSIONER: What I would like to understand, Mr Somyurek, 04:19:59PM
you're calling Mr Garotti because Mr Garotti has a special 04:20:03PM
relationship with Mr Haraco, doesn't he? 04:20:07PM
MR SOMYUREK: Yeah, so my view would be that Garotti reinforces 04:20:10PM
probably something that I will also say to Hussein. So 04:20:14PM
I see Mr Garotti as this professional, I had a lot of time 04:20:18PM
for him. I wasn't his mentor, I will reject that. He was 04:20:22PM
a well established political operative before I spoke to 04:20:26PM
him ever. But I had a lot of time for him. I saw him as 04:20:28PM
being a future MP, building his CV. He was in KPMG and he 04:20:33PM
was in a very, very good position. He's a professional 04:20:39PM
and I saw him as being understanding that if he also puts 04:20:42PM
pressure on Dr Haraco from that region to make sure you 04:20:46PM
log in, probably is what I was thinking. But I'm wasting 04:20:51PM
my time if you've got more information which is going to 04:20:54PM
make it clearer. 04:20:57PM
COMMISSIONER: Mr Somyurek, like your other factional 04:20:59PM
operatives, though, he had to work his way up through the 04:21:02PM
system, didn't he? 04:21:05PM
MR SOMYUREK: Yeah, he did, Commissioner, and my argument is by 04:21:08PM
the time I met him he already had 300 Somalis and he was a 04:21:11PM
veteran of ALP factional politics. That's what I would be 04:21:17PM
contending. 04:21:20PM
COMMISSIONER: Insofar as Mr Hussein, because of what 04:21:22PM
Mr Hussein was doing with you, Mr Hussein had to be 04:21:27PM

1 careful of everything, Mr Garotti would be the one person 04:21:32PM
2 you could speak to that would know what Mr Hussein's got 04:21:38PM
3 to be careful about? 04:21:41PM
4 MR SOMYUREK: Well, no, there was nothing - I wouldn't 04:21:45PM
5 have - obviously because I followed the evidence from 04:21:48PM
6 the other day, none of that crossed my mind, the evidence 04:21:50PM
7 that was received, you know, by IBAC the other day. Just 04:21:55PM
8 basically making sure that probably log-ins - I was 04:22:00PM
9 paranoid at that point where, you know, I thought I didn't 04:22:05PM
10 do anything wrong so, you know, it was a problem for me. 04:22:08PM
11 COMMISSIONER: Mr Somyurek, you specifically told Mr Garotti 04:22:14PM
12 that, 'Haraco's gotta be careful of everything.' What did 04:22:17PM
13 you have in mind? 04:22:21PM
14 MR SOMYUREK: Yeah, absolutely just, like, my own office stuff, 04:22:23PM
15 you know, his work with me. 04:22:28PM
16 COMMISSIONER: What work? 04:22:34PM
17 MR SOMYUREK: All right. Yeah, well, the position he holds in 04:22:36PM
18 my office, put it that way. 04:22:41PM
19 COMMISSIONER: Well, as the evidence you've been looking at 04:22:47PM
20 over the last couple of days suggests, it's not at all 04:22:49PM
21 clear that he was doing anything of an electoral officer 04:22:53PM
22 role in your office; isn't that so? 04:22:58PM
23 MR SOMYUREK: Yep, and where I draw the line again is if he was 04:23:04PM
24 doing something else but refusing to answer telephones, 04:23:08PM
25 which Ms Walters came close to saying, that's where I draw 04:23:11PM
26 the line. 04:23:14PM
27 COMMISSIONER: But he was helping you significantly as a 04:23:15PM
28 factional operative, wasn't he? 04:23:19PM
29 MR SOMYUREK: He was - no, he was helping himself. See, can 04:23:21PM

1 I just tell you something about these jobs they have. 04:23:27PM
2 Just when you need the votes, the votes will disappear. 04:23:31PM
3 They'll go to another subgrouping that gives them a better 04:23:34PM
4 deal. You don't think because you've got them on two days 04:23:37PM
5 a week they're going to stick with you and be loyal to 04:23:39PM
6 you, do you see what I'm saying, because there is nothing 04:23:43PM
7 keeping him in, on board with me. Some other grouping 04:23:45PM
8 will give him two jobs, two days of job. So you don't own 04:23:49PM
9 their votes. You just don't. He's helping himself. 04:23:52PM
10 They've got their own objectives in politics. I don't own 04:23:56PM
11 him. 04:23:59PM
12 COMMISSIONER: But, Mr Somyurek, whether or not his position 04:24:00PM
13 was precarious vis-à-vis you, he was still providing you 04:24:03PM
14 with factional support at that time, wasn't he? 04:24:08PM
15 MR SOMYUREK: Commissioner, he was providing himself with 04:24:14PM
16 factional support. Like, Rick Garotti made the point, 04:24:18PM
17 this is relevant, you're not going to think it is, he said 04:24:22PM
18 that, 'Adem get me on to the Admin Committee position.' 04:24:26PM
19 I was thinking, 'No, mate. You got yourself on to the 04:24:30PM
20 Administrative Committee position.' They had 14 votes, 04:24:30PM
21 you need 19. When you've got 14 votes you can't be 04:24:32PM
22 stopped. You get yourself in. If I said to them, 'You're 04:24:34PM
23 not getting an Admin position,' they would have walked 04:24:37PM
24 away from the group. Do you see my point? It's their 04:24:39PM
25 votes, not mine. 04:24:44PM
26 COMMISSIONER: Yes, Mr Carr. 04:24:45PM
27 MR CARR: I tender that recording, Commissioner. 04:24:46PM
28 COMMISSIONER: That will be 81. What was the date of that 04:24:49PM
29 call? 04:24:54PM

1 MR CARR: 15 June 2020. 04:24:55PM
2 COMMISSIONER: Thank you. 04:24:56PM
3 04:24:58PM
4 #EXHIBIT 81 - TI47, audio recording, 15/06/20. 04:24:59PM
5 MR CARR: Commissioner, can I perhaps, given the time, seek an 04:25:00PM
6 indication from Mr Gullaci whether he has any questions at 04:25:08PM
7 this stage? If he doesn't - you're shaking your head, 04:25:11PM
8 Mr Gullaci. 04:25:16PM
9 MR GULLACI: Thank you, Mr Carr. No, I don't have anything. 04:25:17PM
10 MR CARR: Well, then there's one short issue I'll deal with. 04:25:21PM
11 COMMISSIONER: Yes. 04:25:24PM
12 MR CARR: You heard evidence from Adam Sullivan that in the 04:25:25PM
13 time between - in the six weeks or so from 12 February 04:25:34PM
14 2018 until the time that he ceased employment in your 04:25:43PM
15 electorate office on 9 April 2018, that he did not see 04:25:47PM
16 Pinar Yesil attend work for anything like the number of 04:25:54PM
17 hours that she was paid, which was effectively almost 04:25:58PM
18 every working day in that period. How much time did you 04:26:05PM
19 spend in your electorate office during that period between 04:26:13PM
20 February and April 2018? 04:26:17PM
21 MR SOMYUREK: I would say, consistent with Mr Sullivan's 04:26:21PM
22 evidence, zero. I was based pretty much in the city 04:26:25PM
23 office. 04:26:28PM
24 MR CARR: Did you allocate any work other than factional work 04:26:32PM
25 to Pinar Yesil during that time? 04:26:36PM
26 MR SOMYUREK: No, I don't need to allocate - oh, factional 04:26:40PM
27 work, no. Pinar Yesil has been with me since 2003. She 04:26:44PM
28 doesn't need to be allocated work. She makes her own 04:26:50PM
29 work. Yeah, I don't know - I don't know what happened. 04:26:53PM

I heard the evidence too, Mr Carr. I don't know the 04:27:00PM
veracity of it. I don't know if Mr Adam Sullivan was in 04:27:03PM
the office, to be frank. Now what I've heard is that he 04:27:07PM
seemed to be in Mr Byrne's office a lot too, so let's be 04:27:11PM
clear on that as well. 04:27:14PM

MR CARR: All right. Thank you, Commissioner. 04:27:16PM

COMMISSIONER: Yes. Mr Carr, 10 o'clock Thursday? 04:27:18PM

MR CARR: Yes, Commissioner. 04:27:25PM

COMMISSIONER: Mr Somyurek, we'll give you a break tomorrow. 04:27:27PM

MR SOMYUREK: Thank you, Commissioner. 04:27:30PM

COMMISSIONER: And we'll resume at 10 am on Thursday and we'll 04:27:31PM
see you then, Mr Gullaci. 04:27:38PM

<(THE WITNESS WITHDREW) 04:27:42PM

HEARING ADJOURNED 04:27:47PM